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इस भाग में पिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संश्र राज्य क्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आवेदन और प्रधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) by Central Authorities (other than the Administrations of Union Territories)

ELECTION COMMISSION OF INDIA

New Delhi, the 7th September, 1977

S.O. 2939.—In pursuance of rule 6 of the Disputed Elections (Prime Minister and Speaker) Rules, 1977, the Election Commission hereby publishes the order dated 20 August, 1977 of the Authority constituted under the Disputed Elections (Prime Minister and Speaker) Act, 1977 in election petition No. 1 of 1977 filed before it by Shri Jashwant Chauhan calling in question the election of Shri Morarjibhai Ranchhodjibhai Desai, the Prime Minister, to the Lok Sabha from Surat parliamentary constituency in Gujarat.

BEFORE THE AUTHORITY CONSTITUTED UNDER THE DISPUTED ELECTIONS (PRIME MINISTER AND SPEAKER) ACT, 1977

Election Petition No. 1 of 1977

Shri Jashwant ChauhanPetitioner

Vs.

Shri Morarjibhai Ranchhodjibhai Desai and 2 othersRespondents

This election petition challenges the validity of the election of the first respondent to the Lok Sabha from the Surat Parliamentary Constituency in the State of Gujarat. The general elections to the Lok Sabha were announced in the third week of January 1977 and according to the election programme, the last date for filing nominations was 17 February, 1977 and the scrutiny of the nomination papers was fixed on 18 February, 1977. The petitioner, respondents No. 1 to 3 and two others filed their nomination papers in time and the nomination papers were found in order, but before the date fixed for withdrawal of candidature, the other

two candidates withdrew, leaving the petitioner and respondents No. 1 to 3 as the sole contesting candidates. The poll took place on 19 March, 1977 and the result was declared on 20 March, 1977. The votes secured by the contesting candidates were 1,84,789 for the petitioner, 2,06,162 for the first respondent, 1,263 for the second respondent and 835 for the third respondent and since the first respondent secured the highest number of votes, he was declared duly elected. The Janata Party secured a majority of seats in the Lok Sabha and the first respondent having been elected as Leader of the Janata Party, was invited to form the Government and he was administered oath of office as Prime Minister on 24 March, 1977. The petitioner, who was a defeated candidate, presented to the Election Commission on 10 May, 1977 the present election petition challenging the election of the first respondent. The election petition was presented under the provisions of the Disputed Elections (Prime Minister and Speaker) Act, 1977 (Act No. 16 of 1977) which was, in the meantime, passed by Parliament and assented by the President on 18 April, 1977. Section 5 of this Act provided, in so far as materials :

5. (1) A petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of section 100 and section 101 of the Representation of the People Act, 1951, to the Election Commission by any candidate at such election or any elector within forty-five days from, but not earlier than, the date of election of the returned candidate, or if there are more returned candidates than one at the election and the dates of their election are different, the last of those dates :

Provided that a petition calling in question the election of a person who does not hold the office of Prime Minister or, as the case may, as Speaker of the House of the People at the time of such election

and who is appointed or chosen to that office after such election but before the expiry of the time for presenting such election petition, may be presented within fortyfive days from the date on which such person was appointed as the Prime Minister or chosen as the Speaker of the House of the People.

Explanation.—In this sub-section “elector” means a person who was entitled to vote at the election to which the petition relates, whether he has voted at such election or not.

(2) A petition shall be deemed to have been presented to the Election Commission when it is delivered to the Election Commission or to such other officer as may be appointed by it in this behalf—

- (a) by the person making the petition, or
- (b) by a person authorised in writing in this behalf by the person making the petition.

(3) Every petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and one more copy for the use of the Election Commission, and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

(4) At the time of presenting a petition, the petitioner shall deposit with the Election Commission in such manner as may be prescribed a sum of two thousand rupees as security for costs.

The first respondent obviously did not hold office of Prime Minister at the time of his election and hence, according to the requirement of the proviso to sub-section (1) of section 5, the election petition calling in question his election should have been presented within 45 days from the date on which he was appointed as the Prime Minister i.e., within 45 days from 24 March, 1977. On this computation, the last date for presenting the election petition expired on 8 May, 1977. That was a Sunday and therefore, it was conceded by the first respondent, the election petition could have been presented on 9 May, 1977 but not thereafter and the election petition presented on 10 May, 1977 was clearly beyond the period specified in sub-section (1) of section 5. Realising this difficulty, the petitioner filed an application for condonation of delay in presenting the election petition. There was also prima facie one other non-compliance with the requirement of a statutory provision in the Disputed Elections (Prime Minister and Speaker) Act, 1977 and that statutory provision was sub-section (4) of section 5. This sub-section enjoined that the petitioner should, at the time of presenting the election petition, deposit with the Election Commission a sum of Rs. 2,000 as security for costs and this deposit should be made “in such manner as may be prescribed”. The manner prescribed by Rule 8 was that the sum required to be deposited under this sub-section “shall be deposited by a crossed demand draft drawn in favour of Pay Accounts Officers, Election Commission and payable at the Indian Bank, Connaught Circus, New Delhi, and the receipt in evidence of such deposit shall be filed with the Election Commission.” Now the petitioner, instead of depositing the sum of Rs. 2,000 by a crossed demand draft as set out in Rule 8, tendered that amount in cash to the Election Commission at the time of presenting the election petition. The Election Commission refused to accept the same since that was not in accordance with the requirement of Rule 8. The petitioner thereupon obtained a crossed demand draft for Rs. 2,000 drawn in favour of Pay and Accounts Officer, Election Commission payable at Indian Bank, Connaught Circus, New Delhi and presented the same to the Election Commission on the next day i.e. 11 May, 1977. The petitioner also presented an application for condonation of delay in making the security deposit.

When the election petition came up before me as the Authority constituted under the Disputed Elections (Prime Minister and Speaker) Act, 1977, I decided to hear first the two applications for condonation of delay, since it was contended that if either application was not granted, the election petition would be liable to be dismissed straight-away and there would be no need to examine it on merits. Now it is true that according to the requirement of the proviso to sub-section (1) of section 5, the election petition should have been presented at the latest on 9 May, 1977 and since it was presented on 10 May, 1977, it was liable to be dismissed in limine under clause (a) of sub-section (2) of section 10,

unless the delay of one day was condonable. The petitioner contended that by reason of section 29(2) of the Limitation Act, 1963, section 5 was applicable to an election petition and hence I had power to condone the delay in filing the election petition and since sufficient cause was shown by the petitioner, it was a fit case in which the delay should be condoned. The first respondent, on the other hand, urged that the Disputed Elections (Prime Minister and Speaker) Act, 1977 being a complete and self-contained code in regard to election petition for challenging the election of the Prime Minister, the Limitation Act, 1963 was not applicable to such an election petition and section 29 sub-section (2) could not, in the circumstances, be invoked to attract the applicability of section 5 and in any event, even if section 29 sub-section (2) were applicable, section 5 was expressly excluded by the provisions of the Disputed Elections (Prime Minister and Speaker) Act, 1977 and consequently, there was no power in me to condone the delay in filing the election petition. It must be said in fairness to the first respondent, and this attitude does credit to the high position occupied by him, that he merely raised the question of lack of jurisdiction to condone the delay and did not contend that, if I had such jurisdiction, the delay of one day arising on account of marriage of the petitioner's daughter on 8 May and the wedding reception on 9 May should not be condoned. The sole question which, therefore, arises for my determination on this application for condonation of delay is whether I have power to condone the delay in presenting an election petition which is not filed within the period prescribed by the proviso to sub-section (1) of section 5 of the Disputed Elections (Prime Minister and Speaker) Act, 1977.

To determine this question, it is necessary to refer to a few relevant provisions of the Constitution and the Disputed Elections (Prime Minister and Speaker) Act, 1977. Article 329 provides in clause (b) which is the only clause material for our purpose :

329. **Bar to interference by courts in electoral matters.**—Notwithstanding anything in this Constitution but subject to the provisions of article 329A—

(b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

Pursuant to this article, Parliament enacted the Representation of the People Act, 1951 which sets out in Part VI detailed provisions in regard to election petition calling in question an election to the Lok Sabha or to the legislative assembly of a State. I am not concerned directly with the Representation of the People Act, 1951 but it is necessary to refer to the same since the relevant provisions in Part VI of that Act are in material respects identical with the corresponding provisions in the Disputed Elections (Prime Minister and Speaker) Act, 1977. Now article 329 clause (b), as it originally stood, applied to every election to the Lok Sabha, irrespective whether the returned candidate whose election was sought to be challenged was the Prime Minister or Speaker or an ordinary member. Everyone was regarded as equal before the law and there was no discrimination in favour of the Prime Minister or Speaker by placing them on a higher pedestal. Indeed, it is difficult to see how they could be treated on a different footing merely because they happened to be appointed to these posts after their election as members of the Lok Sabha. What would be challenged in the election petition would be their election as members and not their appointment as Prime Minister or Speaker and in this respect, they would be in no different position than other members of the Lok Sabha. No special treatment could, therefore, be given to them and no special procedure prescribed, consistently with our egalitarian ethos. That would clearly be contrary to the democratic norms and republican values underlying our Constitution. It would directly offend the principle of equality before the law and constitute serious erosion of the rule of law. But unfortunately, when the appeal of Mrs. Indira Gandhi, the then Prime Minister, against the judgement of the Allahabad High Court setting aside her election was pending before the Supreme Court, the Constitution (Thirty-ninth Amendment) Act, 1975 was passed by Parliament with a view to depriving the Supreme Court of its jurisdiction to hear the appeal and virtually placing the Prime Minister above the law applicable to ordinary mortals. It was reminiscent of the days when there would be one law for the ruler and another for the subjects. The Constitution (Thirty-ninth Amendment) Act, 1975 inter alia amended Article 329 by adding the words “but subject to the provisions of Article 329A” in the opening part

of that article and introduced a New Article 329A making special provision for challenging the election to the Lok Sabha in case of Prime Minister and Speaker. That article, so far as material, provides as follows :

329A. Special provision as to elections to Parliament in the case of Prime Minister and Speaker.—(1) Subject to the provisions of Chapter II of Part V [except sub-clause (e) of clause (1) of article 102], no election—

(a) to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election;

(b) to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election;

shall be called in question, except before such authority [not being any such authority as is referred to in clause (b) or article 329] or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned.

(2) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

(6) The provisions of this article shall have effect notwithstanding anything contained in this Constitution.

It appears that the law contemplated in this article was enacted by the President by issuing the Disputed Elections (Prime Minister and Speaker) Ordinance, 1977 (4 of 1977) but before long, as soon as the new Government of India was formed after the elections, it was replaced by the Disputed Elections (Prime Minister and Speaker) Act, 1977. This Act by reason of section 1 sub-section (2) must be deemed to have come into force on 3 February, 1977. Section 3 of this Act enacts a mandatory provisions and it says :

3. No election shall be called in question except by a petition presented in accordance with the provisions of this Act.

Section 4 provides that every petition shall be tried by an Authority constituted for the purpose by the Central Government and the Authority shall consist of a single member who is a Judge of the Supreme Court to be nominated in this behalf by the Chief Justice of India. I am the Authority constituted by the Central Government for the purpose of trying the present election petition. Section 5 enacts provisions in regard to presentation of an election petition. I have already referred to them earlier and it is not necessary to reproduce them over again. Section 6 lays down an obligatory rule as to who shall be joined as respondents to the election petition and section 7 deals with the contents of the election petition. Section 9 requires that, as soon as may be after the receipt of an election petition, the Election Commission shall forward it to the authority for trying the election petition. Then follows section 10 sub-section (2) which is very important. It reads as under :

10. (2) The Authority shall dismiss the petition—

- (a) if the petition has not been presented within the period specified in sub-section (1) of section 5;
- (b) if the petition does not comply with the provisions of sub-section (3) or sub-section (4) of section 5 or section 6.

It was on a conjoint reading of Article 329A clause (1) and section 3, sub-section (1) of section 5 read with the proviso and sub-section (2) of section 10 that the first respondent submitted that I had no power to condone the delay in presenting an election petition if it was beyond the period specified in sub-section (1) of section 5 and I was bound to dismiss it in limine. I shall presently consider this question, but before I do so, I may point out that section 3, sub-sections (1), (3) and (4) of section 5, section 6 and section 10 sub-section (2) are identical ipsissima verba with section 80, sub-sections (1)

and (3) of section 81, section 86 sub-section (1) and section 117 of the Representation of the People Act, 1951 with only this difference that the forum for trial of an election petition under the Disputed Elections (Prime Minister and Speaker) Act, 1977 is the authority while under the Representation of the People Act, 1951, it is the High Court and whereas the period for filing an election petition under the former Act is 45 days from the date of appointment of the returned candidate as Prime Minister or Speaker, it is 45 days from the date of election under the latter statute. The grounds on which the election can be challenged and the procedure for trial of the election petition are also the same under the Disputed Elections (Prime Minister and Speaker) Act, 1977 as under the Representation of People Act, 1951. The decisions given by the Supreme Court in regard to the construction of the relevant provisions of the Representation of the People Act, 1951 would, therefore, obviously be of great relevance in the interpretation of the corresponding provisions in the Disputed Elections (Prime Minister and Speaker) Act, 1977.

It would be convenient also at this stage to refer to the relevant provisions of the Limitation Act, 1963. Section 5 which is the section invoked by the petitioner provides inter alia :

"5. Any appeal or any application.....may be admitted after the prescribed period if the appellant or the applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period".

The word "application" which occurs in section 5 is given a wide meaning by the definition in section 2 clause (b) which defines "application" to include a petition. Section 29 sub-section (2) is the next relevant section and it reads as follows :

29(2). Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in section 4 to 24 (inclusive) shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law.

It was by reason of this provision in section 29 sub-section (2) that the petitioner contended that section 5 was applicable to the present election petition and the delay of one day in filing the election petition was liable to be condoned.

There are decisions of the Supreme Court which lay down in clear and unequivocal terms that when an election petition is filed beyond the period specified in section 81 of the Representation of the People Act, 1951, the High Court has no power to condone the delay in filing the election petition and it must be dismissed in limine under section 86 sub-section (1) of that Act. The reason given in these decisions is that the Representation of the People Act, 1951 being a complete and self-contained code in regard to election petition for challenging an election to the Lok Sabha or the Legislative Assembly of a State, it does not admit of introduction of the principles or provisions contained in the Limitation Act, 1963 and hence section 29 sub-section (2) cannot be invoked by a petitioner who is late in filing the election petition and in any event, the applicability of section 5 is excluded in case of such an election petition. The ratio of these decisions would be equally applicable in the construction of the corresponding provisions of the Disputed Elections (Prime Minister and Speaker) Act, 1977 and having regard to these decisions which are binding upon me as law declared by the Supreme Court, the conclusion must be inevitable that the Authority has no power to condone the delay, even though it be only of one day, in filing an election petition under the Disputed Elections (Prime Minister and Speaker) Act, 1977 and the election petition must be dismissed without anything more under section 10 sub-section (2) of that Act. But of these decisions a little later. I will first approach the question on principle and try to arrive at the proper construction of the relevant statutory provisions unhampered by any authority.

The proviso to sub-section (1) of section 5 prescribes period of 45 days within which an election petition must be presented to the Election Commission, if the election of a person who is appointed as Prime Minister after the election, is to be challenged and this period of 45 days has to be computed from the date on which he was appointed as Prime Minister.

The Authority would have power to condone the delay in filing the election petition beyond the period of 45 days only if section 5 of the Limitation Act, 1963 can be invoked in aid by the petitioner. Now, obviously, if section 29 sub-section (2) of the Limitation Act, 1963 applies to an election petition, section 5 would be attracted unless it is expressly excluded by the provisions of the Disputed Elections (Prime Minister and Speaker) Act, 1977. The necessary condition for the application of section 29 sub-section (2) is that the special law must prescribe for an application a period of limitation "different from the period prescribed by the Schedule". The Disputed Elections (Prime Minister and Speaker) Act, 1977 is undoubtedly a special law and having regard to the wide definition of "application" in section 2 clause (b) an election petition would certainly be an "application". The proviso to sub-section (1) of section 5 manifestly prescribes a period of limitation for an election petition and the only question is whether this period of limitation can be said to be "different from the period prescribed by the Schedule" so as to satisfy the requirement for the applicability of section 29 sub-section (2). When the Schedule to the Limitation Act, 1963 does not prescribe any period of limitation for an election petition, can it be said the period of limitation prescribed by the Disputed Elections (Prime Minister and Speaker) Act, 1977 is "different from the period prescribed by the Schedule"? This question is fortunately no longer res *integra*. It is concluded by the decision of the Supreme Court in *V. C. Shukla vs. Khub Chand Baghel* (1964) 6 SCR 129 where it has been held, following an earlier decision in *Kaushalaya Rani vs. Gopal Singh* (1964) 4 SCR 982, that section 29 sub-section (2) would be applicable even if no period of limitation is prescribed by the Schedule for an application under a special law but the special law prescribes a period of limitation for such application. Subba Rao J. agreeing with the majority, observed in this case: "when the first Schedule of the Limitation Act prescribes no time limit for a particular appeal, but the special law prescribes a time limit to it, can it not be said that under the First Schedule of the Limitation Act an appeal can be filed at any time but the special law by limiting it provides for a period? While the former permits the filing of an appeal at any time, the latter limits it to the prescribed period. It is, therefore, different from that prescribed in the former" and concluded by saying: "Section 29(2) would apply to a case where a difference between the special law and the Limitation Act arises by the omission to provide for limitation to a particular proceeding under the Limitation Act". There can, therefore, be no doubt that section 29 sub-section (2) would apply in case of an election petition filed under the Disputed Elections (Prime Minister and Speaker) Act, 1977.

This is the view I would be inclined to take if the question were free from authority binding upon me, but I find that there is a decision of the Supreme Court in *K. Venkateswar and another vs. Bekkam Narasimha Reddy and others* (1969) 1 SCR 679 where the view has been taken albeit in regard to the Representation of the People Act, 1951, that the Limitation Act, 1963 cannot apply to an election petition since the Representation of the People Act, 1951 is a complete and self-contained code which does not admit introduction of any of the principles or provisions contained in the Limitation Act, 1963. The relevant observations of Mitter J. in this connection may be quoted as follows :

"The Indian Limitation Act of 1963 is an Act to consolidate and amend the law of limitation of suits and other proceedings and for purposes connected therewith. The provisions of this Act will apply to all civil proceedings and some special criminal proceedings which can be taken in a court of law unless the application thereof has been excluded by any enactment: the extent of such application is governed by section 29(2) of the Limitation Act. In our opinion however the Limitation Act cannot apply to proceedings like an election petition inasmuch as the Representation of the People Act is a complete and self-contained code which does not admit of the introduction of the principles of the provisions of law contained in the Indian Limitation Act".

Now if the Representation of the People Act, 1951 is a complete and self-contained code in regard to election petition for challenging an election to the Lok Sabha or the legislative assembly of a State, it must follow a fortiori that the Disputed Elections (Prime Minister and Speaker) Act, 1977

is also a complete and self-contained code in regard to election petition for challenging the election, where the returned candidate is Prime Minister or Speaker. The Disputed Elections (Prime Minister and Speaker) Act, 1977 contains elaborate provisions setting out as to who shall be the Authority for trying the election petition, what shall be the manner of presentation of the election petition, who shall be parties to the election petition, how the election petition shall be tried by the authority, what shall be the grounds for declaring the election void, what shall be the procedure before the Authority including payment of security for costs and execution of orders as to costs and what shall be the powers of Authority in relation to the election petition. The whole law on the subject of election petition for challenging the election where the returned candidate as Prime Minister or Speaker is to be found in the Disputed Elections (Prime Minister and Speaker) Act, 1977. The ratio of the decision in *K. Venkateswar and another vs. Bekkam Narasimha Reddy and others* (*supra*) would, therefore, apply with equal force in case of an election petition under the Disputed Elections (Prime Minister and Speaker) Act, 1977 and the conclusion would be irresistible that the Disputed Elections (Prime Minister and Speaker) Act, 1977 being a complete and self-contained code does not admit of introduction of the principles or provisions contained in the Limitation Act, 1963 and consequently, section 29 sub-section (2) is not applicable to such an election petition.

Of course I must confess at once that I am not at all sure whether the aforesaid view taken in *K. Venkateswar and another v. Bekkam Narasimha Reddy and others* represents the correct law on the subject. I do not see how the applicability of section 29 sub-section (2) can be excluded when the conditions of that sub-section are satisfied and that sub-section says in so many terms that for the purpose of determining any period of limitation prescribed by the special law, the provisions contained in Sections 4 to 24 shall apply except in so far as they are expressly excluded by the special law. Moreover, if the Representation of the People Act, 1951 is a complete and self-contained code excluding altogether the applicability of the provisions of the Limitation Act, 1963, it is difficult to see how section 12 of the Limitation Act, 1963 could be invoked in *V. C. Shukla vs. Khub Chand* (*supra*) for the purpose of computing the period of limitation prescribed for an appeal under section 116A sub-section (3) of that Act and section 4 and 12 of the Limitation Act, 1963 could be availed of in *D. P. Misra vs. K. N. Sharma* (1971) 1 SCR 8 for bringing an appeal filed under section 116A, sub-section (1) within the period of limitation. The Supreme Court in fact pointed out in *D. P. Misra vs. K. N. Sharma* that in *V. C. Shukla vs. Khub Chand* the Court "was interpreting section 29(2)" and it was held "that in the absence of any express provision to the contrary contained in the special statute, the provisions of the Indian Limitation Act, 1908 contained in section 4 and sections 9 to 18 and 22 shall apply to the extent to which they were not excluded by any special or local law". The Supreme Court observed in so many terms that "by virtue of section 29(2) of the Limitation Act, Sections 4 and 12 thereof apply and if the appeal is filed on the date on which the court reopens after the recess, it will be regarded as within time, if the period of limitation, after taking into account the time requisite for obtaining a certified copy, had expired during the course of the recess". It will, therefore, be seen that section 29, sub section (2) was held applicable by the Supreme Court in *D. P. Misra vs. K. N. Sharma* in case of an appeal under section 116A, sub-section (1) of the Representation of the People Act, 1951 and the decision in *V. C. Shukla vs. Khub Chand* was also explained on the footing that Section 29, sub-section (2) was applicable. This would seem to support the view that section 29, sub-section (2) is applicable to an election petition under the Disputed Elections (Prime Minister and Speaker) Act, 1977 and the only question can be whether anyone or more of sections 4 to 14 are expressly excluded by the provisions of that Act. But in view of the decision in *K. Venkateswar and another vs. Bekkam Narasimha Reddy and others* which is more in point since it was concerned directly with the question of condonation of delay in filing an election petition, though under the Representation of the People Act, 1951. I do not think it would be proper for me to hold that section 29, sub-section (2) has application in case of an election petition. If that be so, then obviously section 5 cannot be invoked to condone the delay in filing the election petition

However, since the state of the authorities in regard to the applicability of section 29, sub-section (2) to an election petition is, as pointed out above, unsatisfactory, I would proceed

to discuss the question of condonation of delay in filing an election petition on the assumption that section 29, sub-section (2) is applicable to an election petition. Section 5 would then be clearly applicable unless it can be said to be expressly excluded by the provisions of the Disputed Elections (Prime Minister and Speaker) Act, 1977. Now it is true that there is no provision in the Disputed Elections (Prime Minister and Speaker) Act, 1977 which, by specific reference, excludes the applicability of section 5 to an election petition, but, in my opinion, it is not necessary in order to constitute express exclusion that the Act should make express mention of section 5. What is necessary is that the exclusion must appear plainly from the language used by the legislature and not that it should be left merely to be inferred by implication. That is what was pointed out by the Privy Council in Shanmugam vs. Commissioner for Registration of Indian and Pakistani Residents, 1962 AC 515 which was an appeal from Ceylon. There the question was whether there was express provision in Act No. 45 of 1952 making it applicable to pending proceedings and the argument was that since there was no specific reference in the Act to pending proceedings, it could not be said to contain express provision to that effect. Lord Radcliffe delivering the judgment of the Privy Council negatived this argument and observed :

"Their Lordships are of the view that it is correct to state that express provision is provision the applicability of which does not arise by inference. The applicability, however, of the provision under discussion to the present case does not arise by inference; it arises directly from the language used. The fact that the language used is wide and comprehensive and covers many points other than the one immediately under discussion does not make it possible to say, that its application can arise by inference only. To be "express provision" with regard to something, it is not necessary that that thing should be specially mentioned; it is sufficient that is directly covered by the language however broad the language may be which covers it so long as the applicability arises directly from the language used and not by inference therefrom. The argument fails."

The Supreme Court also took the same view in Mohd. Ashfaq vs. State Transport Appellate Tribunal (1977) 1 SCR 563 where the question was whether section 5 was applicable in case of an application for renewal of a permit under section 58, sub-section (2) of the Motor Vehicle Act, 1939. The proviso to sub-section (2) of section 58 prescribed a period of limitation for making an application for renewal and sub-section (3) of section 58 provided that "the Regional Transport Authority may entertain an application for renewal after the last date specified in the proviso if the application is made not more than 15 days after the said last date". There was delay on the part of the petitioner in making an application for renewal and the delay was of more than 15 days and the question was whether it could be condoned by invoking the applicability of section 5. The Supreme Court held that the provision in sub-section (3) of section 58 that the Regional Transport Authority may condone the delay in making of an application for renewal and entertain it on merits, provided the delay is of not more than 15 days, constituted an express provision that the delay in making an application for renewal shall be condonable only if it is of not more than 15 days and that expressly excluded the applicability of section 5 in cases where an application for renewal is delayed by more than 15 days. Here there was no special mention of section 5 in any provision of the Act but the language used in sub-section (3) of section 58 was sufficiently clear to exclude the applicability of that section. The exclusion of section 5 did not arise by inference but it was the direct effect of the language used in the statute. It is in the light of this principle of interpretation that I must proceed to consider whether section 5 is expressly excluded by the provisions of the Disputed Elections (Prime Minister and Speaker) Act, 1977.

Now one thing is certain that a mere provision in section 10, sub-section (2) that the Authority shall dismiss the election petition, if it has not been presented within the period specified in sub-section (1) of section 5 is not sufficient to exclude the applicability of section 5. The Supreme Court pointed out in Mangu Ram vs. Municipal Corporation (1976) 2 SCR 260 that "mere provision of period of limitation in howsoever peremptory or imperative language is not sufficient to displace the applicability of section 5". The question that arose in that case was whether section 5 was available to an applicant who failed to prefer an application for special leave

to appeal from an order of acquittal within the time limit of 60 days prescribed in sub-section (4) of section 417 of the Code of Criminal Procedure, 1898. Section 417, sub-section (4) provided that no application for grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of 60 days from the date of the order of acquittal. The language of this provision was mandatory and compulsive and debarred the High Court from entertaining an application for special leave, if it was beyond the time limit provided by it. And yet the Supreme Court held that section 5 could not be said to be excluded by this peremptory and imperative language. The Supreme Court pointed out that such would be language of every provision prescribing a period of limitation and it is because a bar against entertainment of an application beyond the period of limitation is created by a special or local law that it becomes necessary to invoke the aid of section 5 in order that the application may be entertained despite such bar. I have, therefore, no doubt, that if the matter rested merely on the provision in section 10, sub-section (2), it would not have been possible to hold that section 5 was expressly excluded. But article 329A clause (1) provides in terms clear and explicit that no election to either House of Parliament of a person who is appointed as Prime Minister after such election, shall be called in question, except before such Authority or body and in such manner as may be provided for by or under any law made by Parliament. This constitutional injunction is repeated in section 3 of the Disputed Elections (Prime Minister and Speaker) Act, 1977 which provides that "no election shall be called in question except by a petition presented in accordance with the provisions of this Act". The combined effect of article 329A clause (1) and section 3, the proviso to sub-section (1) of section 5 and section 10, sub-section (2) is that if an election petition is not presented to the Election Commission within 45 days from the date on which the returned candidate was appointed as Prime Minister, his election to Parliament cannot be called in question. That is a constitutional as well as a legislative mandate and it expressly excludes the applicability of section 5 of the Limitation Act, 1963. If section 5 were held to be applicable, the result would be that an election can be called in question even though the election petition is not presented within the time specified in the proviso to sub-section (1) of section 5 i.e. in the manner provided in the Disputed Elections (Prime Minister and Speaker) Act, 1977 or in accordance with the provisions of that Act. Such a result would be directly contrary to the express constitutional prohibition contained in article 329A clause (1) and legislative prohibition contained in section 3 of the Act. There is, therefore, no doubt that article 329A clause (1) and section 3, the proviso to sub-section (1) of section 5 and section 10, sub-section (2) expressly exclude the applicability of section 5, for condonation of delay in filing the election petition.

This view which I am taking is clearly in accord with the presumed intention of Parliament. When the Representation of the People Act, 1951 was originally enacted, the procedure prescribed was that an election petition should be presented to the Election Commission and section 85 required the Election Commission to dismiss the election petition if the provisions of sections 81, 83 or 117 were not complied with. But there was a proviso to section 85 which conferred power on the Election Commission to condone the delay in presenting an election petition if it was satisfied that sufficient cause existed for the failure of the petitioner to present the election petition within the prescribed time limit. This power to condone the delay in presenting an election petition was, however, taken away by the substitution of a new proviso by section 48 of Act 27 of 1956. Thereafter, extensive amendments were made in the Representation of the People Act, 1951 on several occasions, but the power to condone the delay in presenting an election petition was not specifically restored. The Supreme Court, in K. Venkateswar and another vs. Bekkam Narsimha Reddy and others, pointedly drew the attention of Parliament to the fact that whereas in the Representation of the People Act, 1951 as originally enacted, discretion was given to the Election Commission to entertain an election petition presented beyond the prescribed time limit no such saving clause was to be found in the Act as it stood in August 1968 when this case was decided. Mitter J. speaking on behalf of the Court went on to add :

"The legislature in its wisdom has made the observance of certain formalities and provisions obligatory and failure in that respect can only be visited with a dismissal of the petition."

Though certain amendments were made in the Representation of the People Act, 1951 even after the decision in K. Venkateswar and Another vs. Bekkam Narsimha Reddy and

others, the power to condone the delay in presenting an election petition was not restored to the Election Commission or the High Court. This position was noticed and commented upon by the Supreme Court in *H. N. Yadav vs. L. N. Misra* (1974) 3 SCR-381 where Jagannmohan Reddy J. speaking on behalf of the court said : "Since the above decision in Venkateswara Rao's case (supra) in August 1968, though Parliament has made certain amendments in section 8 of the Act in 1969, it has not considered it necessary till now to amend the Act to confer, on persons challenging an election, benefits similar to those available to them under the proviso to the repealed section 85 of the Act, for as we venture to think, it did not want delays to occur in the disposal of election petitions as in the past". The omission to introduce a provision similar to the proviso to the repealed section 85 clearly evinces the Parliamentary intent not to confer the power to condone the delay in the presentation of the election petition. Moreover, when Parliament enacted the Disputed Elections (Prime Minister and Speaker) Act, 1977, it must be presumed to be aware that there were decisions of the Supreme Court in *K. Venkateshwar Rao and Another vs. Bekkam Narasimha Reddi and Others* and *H. N. Yadav vs. L. N. Misra*, where a strict interpretation was placed on the relevant provisions of the Representation of the People Act, 1951 and it was held that the applicability of section 5 was excluded and neither the Election Commission nor the High Court had power to condone the delay in presenting an election petition and the view was expressed that Parliament had deliberately excluded the power to condone the delay since "it did not want delays to occur in the disposal of election petitions as in the past". And yet, while enacting the Disputed Elections (Prime Minister and Speaker) Act, 1977, Parliament employed identical language in regard to the provisions prescribing the time limit within which an election petition should be presented and the consequences of not doing so within the stated time. It is now well settled that if an Act of Parliament uses the same language which was used in a former Act of Parliament referring to the same subject, and passed with the same purpose, and for the same object, the safe and well-known rule of construction is to assume that the legislature when using well-known words upon which there have been well-known decisions, uses those words in the sense which the decisions have attached to them. This is, of course, not a canon of construction of absolute obligation but it is a presumption of some weight "that Parliament intended that the language used by it in the subsequent statute should be given the meaning which meantime has been judicially attributed to it". It was pointed out by Griffith C.J. in *D'Emben vs. Pedder* 1 Commonwealth Law Reports 91 : "When a particular form of legislative enactment, which has received authoritative interpretation, whether by judicial decision or by a long course of practice, is adopted in the framing of a later statute, it is a sound rule of construction to hold that the words so adopted were intended by the Legislature to bear the meaning which has been so put upon them". The language of the relevant provisions of the Disputed Elections (Prime Minister and Speaker) Act, 1977 must, therefore, bear the same interpretation which has been put upon identical provisions in the Representation of the People Act, 1951 by the aforesaid decisions of the Supreme Court and it must be held that section 5 is excluded in its application to an election petition presented under the Disputed Elections (Prime Minister and Speaker) Act, 1977 and the Authority has no power to condone the delay, even though it be only of one day, in presenting the election petition. If Parliament intended to confer such power on the Authority, it would have enacted an appropriate provision similar to the original proviso to the repealed section 85 of the Representation of the People Act, 1951. Parliament having deliberately omitted to do so, no power to condone the delay can be imported in the provisions of the Disputed Elections (Prime Minister and Speaker) Act, 1977.

So much on principle, but apart from that, it is quite clear that the decisions of the Supreme Court in *K. Venkateshwar Rao & Another vs. Bekkam Narasimha Reddi and Others* and *H. N. Yadav vs. L. N. Misra* must compel me to reach the same conclusion. These decisions have clearly taken the view that section 5 has no application to an election petition under the Representation of the People Act, 1951 and the High Court has no power to condone the delay in filing such election petition. It is no doubt true that these decisions were given in regard to the interpretation of the provisions of the Representation of the People Act, 1951 and, strictly speaking, they would not be binding on me when I am construing the provisions of the Disputed Elections (Prime Minister and Speaker) Act, 1977, but since the relevant provisions of the

latter statute are, in material respects, identical with those of the former and the two Acts are also in pari materia, the ratio of these decisions would apply with equal force and hence it must be held that section 5 has no application to an election petition under the Disputed Elections (Prime Minister and Speaker) Act, 1977. This result may appear to be harsh and unjust, but, as pointed out by Mitter J., in *K. Venkateshwar Rao and Another vs. Bekkam Narasimha Reddi and Others* it is "a matter which can be set right only by the legislature". The appeal in cases of this kind must be to the legislature and not to the court.

There is, therefore, no escape from the conclusion that as the Authority under the Disputed Elections (Prime Minister and Speaker) Act, 1977 I have no power to condone the delay in presentation of the election petition against the first respondent, even though the delay is only of one day and the petitioner is possibly in a position to show that he had sufficient cause for not presenting the election petition in time. The application for condonation of delay in presenting the election petition must accordingly, be rejected and the election petition must be dismissed in limine under section 10, sub-section (2) of the Disputed Elections (Prime Minister and Speaker) Act, 1977. On this view, it becomes unnecessary to consider whether there was non-compliance on the part of petitioner with the requirement of sub-section (4) of section 5 and if so, whether the delay of one day in depositing the security for costs under sub-section (4) of section 5 could be condoned.

In the result, I reject the application for condonation of delay in presenting the election petition and dismiss the election petition with costs.

Dated, New Delhi,

August 20, 1977.

P. N. BHAGWATI, J.

[No. 82/GJ/1/(PM)/77]

V. NAGASUBRAMANIAN, Secy.

विधि, स्थाय और कंपनी कार्य मंत्रालय

(स्थाय विभाग)

नई विलासी, 5 सितम्बर, 1977

नोटिस

का० आ० 2940.—इसके द्वारा, नेतृत्व प्रभागिक नियम (नोटोरीज स्लैस), 1956 के नियम 6 के अनुसार, सभाम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को श्री एन० डी० बाली, एडवोकेट ए-2/240, जनकपुरी नई दिल्ली ने उक्त नियमों के नियम 4 के प्रधीन, दिल्ली में सेव्य प्रभागिक (नोटोरी) का काम करने की नियुक्ति के लिए आवेदन-पत्र में जोड़ा है।

2. उक्त अधिक की सेव्य प्रभागिक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियाँ हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के प्रन्दर नीचे लग्नाकार करने वाले को सिख कर भेज दिये जायें।

[सं० एक० 22/46/77-स्थाय]

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Justice)

New Delhi, the 5th September, 1977

NOTICES

S.O. 2940.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules by Shri N. D. Bali, Advocate D-2/240, Janak Puri, New Delhi for appointment as a Notary to practise in Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/46/77-JUS]

का० आ० 2941.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रजिस्टर), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को श्री आर के गर्म, एडवोकेट म० नं० 4564, महाबीर बाजार क्लोथ भारतीट दिल्ली ने उक्त नियमों के नियम 4 के प्रधीन, दिल्ली में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन पत्र भेजा है।

उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियाँ हों तो वे इस नोटिस के प्रकाशित होने के घोषहृदय के प्रदर्शन नीचे हस्ताक्षर करने वाले को निश्च कर भेज दिये जायें।

[संख्या 22/47/77 व्याय]

पारा० वासुदेवन, सक्षम प्राधिकारी

S.O. 2941.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules by Shri R. K. Garg, Advocate No. 4564 Mahabir Bazar, Cloth Market, Delhi, for appointment as a Notary to practise in Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/47/77-Jus]

R. VASUDEVAN, Competent Authority

गृह मंत्रालय

नई दिल्ली, 5 सितम्बर, 1977

का० आ० 2942.—केन्द्रीय सरकार, नागरिकता नियम, 1956 के नियम 2 के खण्ड (ख) के अनुसरण में इससे उपायदृष्ट अनुसूची के संघ (1) में विनियिष्ट प्रधिकारियों को उक्त अनुसूची के संघ (2) में विनियिष्ट अन्नों की आवश्यकता उक्त नियमों के अधीन कलेक्टर के हस्तियों का निर्वहन करने के लिए नियुक्त करती है।

अनुसूची

प्रधिकारी	संघ
सहायक कलेक्टर	ईसा गांधी पुनर्वासि परियोजना, जिला मर्दीलालाबाद, आनंद प्रदेश।
प्रतीकालाद	

[म० 26030/42/77 आई० सी०]

पी० विजयराघवन, अवर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 5th September, 1977

S.O.2942—In pursuance of clause (b) of rule 2 of the Citizenship Rules, 1956, the Central Government hereby appoints the officer specified in column (1) of the Schedule hereto annexed to perform the functions of the Collector under the said rules in respect of the area specified in column (2) of the said Schedule.

SCHEDULE

Officer	Area
Assistant Collector, Asifabad	Isagaon Rehabilitation Project, District Adilabad, Andhra Pradesh.

[No. 26030/42/77-IC]

P. VIJAYARAGHAVAN, Under Secy.

नई दिल्ली, 9 सितम्बर, 1977

का० आ० 2943.—राष्ट्रपति, संविधान के अनुच्छेद 239 के अनुच्छेद (1) के अनुसरण में, यह नियें हैं कि मिजोरम और अरुणाचल प्रदेश के प्रशासक को छाड़कर प्रत्येक संघ राज्य के क्रमांक (काहे वह प्रशासक, उप राज्यपाल या मुख्य अधिकारी में से किसी भी नाम से जात हो) राष्ट्रपति के नियंत्रण के प्रधीन रहते हुए और आवेदन होने तक, भारतीय सार्व अधिनियम, 1885 (1885 का 13) की धारा 5 के प्रधीन राज्य सरकार की अधिनियमों का प्रयोग और हस्तियों का पालन भी करेंगे।

[य० 11030/8/76 य० ई० एस०]

एस० सी० बलशी अध्यक्ष सचिव,

New Delhi, the 9th September, 1977

S.O. 2943.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrator of every Union territory, except that of Mizoram and Arunachal Pradesh (whether known as the Administrator, the Lieutenant Governor or the Chief Commissioner) shall, subject to the control of the President and until further orders, also exercise the powers and discharge the functions of State Government under the provisions of section 5 of the Indian Telegraph Act, 1885 (13 of 1885).

[U-11030/8/76-UTL]

H. C. BAKHSHI, Under Secy.

वित्त मंत्रालय

(राजस्व और वैदिक विभाग)

(राजस्व पक्ष)

नई दिल्ली, 29 जून, 1977

आयकर

का० आ० 2944.—सर्वसाधारण की आनकारी के लिए यह प्रधिसूचित किया जाता है कि निम्नलिखित कार्यक्रम को विहित प्राधिकारी अर्थात् विभाग और प्रौद्योगिक विभाग, नई दिल्ली ने आयकर प्रधिनियम, 1961 की धारा 35 की उपधारा (2क) के प्रयोजनों के लिए अनुमोदित किया है, अर्थात् :—

- परियोजना का नाम : फैरोजसुरद और उसके साधितों का विकास
- आयोजन कर्ता : मेसर्स ज्योति लिमिटेड आ० एस० एड्स्ट्रीज बड़ौदा, 390003
- आयोजन का स्थान महाराजा सयाजीराव, बड़ौदा विश्वविद्यालय, बड़ौदा
- आमधंग की तारीख : जुलाई, 1977
- पूर्ण होने की तारीख : जुलाई, 1980
- अनुमानित लागत 3,00,000 रु०

महाराजा सयाजीराव बड़ौदा विश्वविद्यालय, बड़ौदा प्रधिसूचना स० 1014 (का० स० 203/37/75 आई० ई० ए०) सारीख 2-8-75 के पनुसार आयकर प्रधिनियम, 1961 की धारा 35(i)(ii) के अधीन अनुमोदित विश्वविद्यालय है।

[स० 1839 (का० स० 203/75/77 आई० ई० ए०-II)]

MINISTRY OF FINANCE

(Department of Revenue and Banking)
(Revenue Wing)New Delhi, the 29th June, 1977
INCOME-TAX

S.O. 2944.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of section (2A) of Section 35 of the Income Tax Act, 1961 by the prescribed authority, the Department of Science & Technology, New Delhi:—

1. Name of the Project : Development of Ferrofluids and their applications.
2. Sponsored by : M/s. Jyoti Ltd., P.O. Chemical Industries, Baroda-390003.
3. Sponsored at : The Maharaja Sayajirao University of Baroda, Baroda.
4. Date of Commencement : July, 1977.
5. Date of Completion : July, 1980.
6. Estimated Cost : Rs. 3,00,000.

The Maharaja Sayajirao University of Baroda, Baroda is an approved University u/s 35(i)(ii) of the Income-tax Act, 1961 vide Notification No. 1014 (F.No. 203/37/75-ITA. II) dated 2-8-75.

[No. 1839(F.No. 203/75/77-ITA-II)]

का० आ० 2945.—सर्वेसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी प्रार्थत, सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आय कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए प्रत्य प्राकृतिक तथा प्राकृतिक विज्ञान के क्षेत्र में निम्नलिखित शर्तों पर अनुमोदित किया है, प्रार्थना है:—

- (1) यह कि उनरी बंगाल विश्वविद्यालय राजाराम मोहन पुर प्राकृतिक या प्राकृतिक धेन में (क्षणि पशुपालन/मत्स्यकी और प्रौद्योगिकी, समाज विज्ञान या सांख्यिकी से भिन्न) वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् से रखेगा।
- (2) उक्त विश्वविद्यालय प्रत्येक विस्तीर्ण वर्ष के लिए अपने वैज्ञानिक अनुसंधान सम्बन्धी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्रलेपों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किए जाएं और उसे सूचित किए जाएं।

संस्था

उत्तरी बंगाल विश्वविद्यालय, राजाराम मोहनपुर डिस्ट्रीक्ट
यह अधिसूचना 1 अप्रैल, 1977 से प्रभावी है।

[सं० 1841 (फा० सं० 203/74/76 आई० टी० ए० II)]

S.O. 2945.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, in the area of other natural or applied sciences, subject to the following conditions:—

- (1) that the University of North Bengal, Raja Rammohanpur, will maintain a separate account of the sums received by it for scientific research in the field of

natural or applied sciences (other than Agriculture/ Animal Husbandry/Fisheries & Medicines, Social Sciences or Statistics).

- (ii) That the said University will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

UNIVERSITY OF NORTH BENGAL, RAJA RAMMOHAN PUR, Distt. Darjeeling.

This notification is effective from 1st April, 1977.

[No. 1841(F. No. 203/74/76-ITA. II)]

नई दिल्ली, 8 जुलाई, 1977

का० आ० 2946.—सर्वेसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, प्रार्थत, भारतीय कृषि अनुसंधान परिषद् ने निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आय कर अधिनियम, 1961 की धारा 35 की उपधारा (2 क) के प्रयोजनों के लिए निम्नलिखित अवधि के लिए अनुमोदित किया है:—

1. वैज्ञानिक अनुसंधान ग्राम उप-स्थान
कार्यक्रम : (शुगर केन-सबस्टेशन)
2. (क) प्रायोजन कर्ता: आनन्द प्रदेश कृषि विश्वविद्यालय, और
मेनर्स के० सी० पी० लिमिटेड
3. (ख) प्रायोजन स्थान: बच्चर, जिला कृष्णा, आ० प्र०
4. अनुसंधान कार्यक्रम स्थापी आधार पर
की नावाचिपि:
5. अनुमानित अय: 5.08 लाख रु० प्रति वर्ष
 - (1) बैनन और भ्रमे: 1,52,814.00 रु०
 - (2) प्राकृती आकस्मि- 61,758.00 रु०
 करताएँ:
 - (3) अनावर्ती आकस्मि- 2,93,500.00 रु०
 करताएँ:

—
5,08,072.00 रु०

या 5.08 लाख रु०

—

टिप्पणी:—प्रत्यावर्ती के अधीन कृत राशि में से स्कीम के प्रारम्भिक वर्ष में भ्रमन निर्माण आवि के लिए भेसर्स के० सी० पी० लिमिटेड 2.00 लाख रु० के राशि का अनुदान देगा।

उसके बाद के० सी० पी० लिं डारा कोई अनुदान नहीं दिया जाएगा।
प्राप्ति प्रदेश कृषि विश्वविद्यालय, हैदराबाद आय-कर अधिनियम, 1961 की धारा 35 (i) (ii) के अधीन इस विभाग की अधिसूचना सं० 878 (फा० सं० 203/39/75-आई० टी० ए० II), तारीख 18-4-1975 द्वारा पहले से ही अनुमोदित है।

[सं० 1863 (फा० सं० 203/82/76 आई० टी० ए० 2)]

New Delhi, the 8th July, 1977

S.O. 2946.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of the sub-section (2A) of Section 35 of the Income-tax Act, 1961 by the prescribed authority the Indian Council of Agricultural Research, New Delhi.

1. Scientific Research Programme :	Sugarcane Sub-station.
2. Sponsored (a) by :	Andhra Pradesh Agricultural University and M/s K.C.P. Ltd.
3. Sponsored (b) at :	Vuyyuru, Krishna District, A.P.
4. Duration of Research Programme :	On a permanent basis.
5. Estimated expenditure	Rs. 5.08 lakhs per year.
	Rs.
(i) Pay and allowances :	1,52,814.00
(ii) Recurring contingencies :	61,758.00
(iii) Non-recurring contingencies :	2,93,500.00
	5,08,072.00
	Or Rs. 5.08 lakhs

NOTE.—Out of the total amount under non-recurring, M/s. K.C.P. Ltd. will donate an amount of Rs. 2.00 lakhs only once during the first year of implementation of the Scheme towards construction of buildings etc. No further grants are to be given by K.C.P. Ltd.

The Andhra Pradesh Agricultural University, Hyderabad A.P. has already been approved under Section 35(1)(ii) of the Income Tax Act, 1961 vide this Department's Notification No. 878 (F. No. 203/39/75-ITA, II) dated 18-4-1975.

[No. 1863 (F. No. 203/82/76-ITA, II)]

का० आ० 2947—पर्यावारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्रशिकारी, अश्रूति भारतीय विज्ञान संस्थान परिषद् ने निम्नलिखित संस्था को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए निम्नलिखित शर्तों पर अनुमोदित किया है, अवश्य :—

1. यह कि संस्थान अपने अनुसंधान मंडली क्रिया कामप की वायिक रिपोर्ट परिषद् को देगा।

2. संस्थान प्राप्त अनुदानों और केवल वैज्ञानिक अनुसंधान पर हुए अर्जे की वायिक रिपोर्ट परिषद् को ऐसी गैति में और ऐसे समय पर देगा जब और ऐसी तरह अपेक्षा करे।

संस्था

अंत इण्डिया हार्ट फाउंडेशन, नई दिल्ली

यह अधिसूचना आरी होने की तारीख से दो वर्ष की अवधि तक प्रभावी रहेगी।

[मं० 1873 (का० मं० 203/87/77 आई टी ए-II)]

S.O. 2947.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, the prescribed authority for the

purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 on the following conditions :—

1. The Foundation will submit annual reports on the research activities of the Foundation to the Council.
2. The Foundation will submit annual reports about donations received and spent exclusively for scientific research in the manner as and when required by the Council.

INSTITUTION

ALL INDIA HEART FOUNDATION, NEW DELHI.

This notification is effective for a period of two years from the date of this notification.

[No. 1973(F. No. 203/87/77-ITA, II)]

का० आ० 2948.—पर्यावारण की जानकारी के लिए अधिसूचित किया जाता है कि निम्नलिखित संस्था को विहित प्रशिकारी, अश्रूति भारतीय समाज विज्ञान अनुसंधान परिषद् ने, आयकर अधिनियम, 1961 को धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए निम्नलिखित शर्तों के प्रधान अनुमोदित किया है—

1. इस क्षूट के प्रधान संस्थान द्वारा इकट्ठी की गई निधियों को पूँजीकृत किया जाएगा और गिरे चूने भारतीय विष्वविद्यालयों में समाज विज्ञान के क्षेत्र में रीडर-स्टर पर विज्ञान-वृत्ति संस्थित करने में उपयोग किया जाएगा;
2. इन निधियों का प्रयोग संस्थान द्वारा, भा० सं० वि० श० प० के परामर्श से गठित प्रमिद्ध समाज वृत्तियों की समिति के परामर्श से किया जाएगा। इन समिति में भा० सं० वि० श० प० का प्रतिनिधि भी होगा,
3. संस्थान इस स्कीम के संचालन मंत्रिमो वायिक रिपोर्ट भा० सं० वि० श० प० को प्रस्तुत करेगा, और
4. संस्थान, यदि जाहे तो, भा० सं० वि० श० प० के अनुमोदन से इन विज्ञान-वृत्तियों के लिए निधियों को ममद्द विष्वविद्यालयों को प्रदान और संचालन के लिए अनुरित कर सकता है;
5. संस्थान इस क्षूट के प्रधान इकट्ठी को गई निधियों का लेखा प्रथक् से रखेगा।

संस्था

डी० पी० धर मेमोरियल फाउंडेशन (डी० पी० धर स्मारक संस्थान), नई दिल्ली

यह अधिसूचना 1 अर्पित, 1977 से शीन वर्ष की अवधि के लिए प्रभावी रहेगी।

[मं० 1874 (का० मं० 203/188/76-आई टी ए-II)]

S.O. 2948.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961, subject to the following conditions :—

1. The funds collected by the Foundation under this exemption will be capitalized and used for instituting fellowships at the Readers level in the field of social science in selected Indian Universities.
2. These fellowships would be operated by the Foundation on the advice of a Committee of eminent social scientists set up in consultation with the I.C.S.S.R. and with the representative of the I.C.S.S.R., thereon.
3. The Foundation submits an annual report on the operation of this scheme to the I.C.S.S.R. and

4. The Foundation may, with the approval of the I.C.S.S.R. transfer the funds for these fellowships if it so desired to the universities concerned, for management and operation.

5. That the Foundation shall maintain separate accounts of the funds collected by them under the exemption.

INSTITUTION

D. P. DHAR MEMORIAL FOUNDATION, NEW DELHI.

This notification takes effect for a period of three years from 1st April, 1977.

[No. 1874 (F. No. 203/188/76-ITA. II)]

का० आ० 2949.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, प्रथम् भारतीय समाज विज्ञान मनु-संस्थान परिषद् ने निम्नलिखित संस्था को प्राय-कर अधिनियम, 1961 की धारा 35 की अपाधारा (1) के अण्ड (III) के प्रयोजनों के लिए निम्नलिखित शर्तों पर प्रमुखोदित किया है, प्रथम् —

- (i) यह कि पंजाब विश्वविद्यालय अण्डीगढ़ द्वारा इस छूट के अधीन संग्रहीत राशियों का उपयोग मात्र समाज विज्ञान के विकास के लिए ही किया जाएगा;
- (ii) यह कि पंजाब विश्वविद्यालय, अण्डीगढ़ इस छूट के अधीन प्राप्त राशियों का दिसाव पृष्ठक से रखेगा;
- (iii) यह कि पंजाब विश्वविद्यालय अण्डीगढ़ छूट के अधीन संग्रहीत निधियों की, और वह रोपि वर्धित करते हुए जिसमें निधियों का उपयोग किया गया है, एक वार्षिक रिपोर्ट भारतीय समाज विज्ञान परिषद् को सेवेगा।

संचार

पंजाब विश्वविद्यालय, अण्डीगढ़

वह अधिसूचना 1-4-1977 से प्रभावी है।

[सं० 1875 (का० सं० 203/30/77-प्राई टी ए II)]

जे० पी० शर्मा, उप सचिव

S.O. 2949.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research, the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

1. The funds collected by the Punjab University, Chandigarh, under this exemption will be utilised exclusively for promotion of research in Social Sciences;
2. That the Punjab University, Chandigarh shall maintain separate accounts of the funds collected by them under the exemption;
3. That the Punjab University, Chandigarh, shall send an Annual Report to the Indian Council of Social Science Research, New Delhi, showing the funds collected under the exemption and the manner in which the funds were utilised.

INSTITUTION

THE PUNJAB UNIVERSITY, CHANDIGARH.

This notification is effective from 1-4-1977.

[No. 1875(F. No. 203/30/77-ITA. II)]

J. P. SHARMA, Dy. Secy.

(राजस्व विभाग)

आदेश

नई दिल्ली, 3 मितम्बर, 1977

स्टाम्प

का० आ० 2950.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के अण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा, उस शुल्क को भाफ़ करती है, जो कर्नाटक राज्य विनीय निगम, बंगलौर, द्वारा दो सौ बीस रुपये मूल्य के प्रामिसरी नोटों के लूप में जारी किए जाने वाले बन्ध-पत्रों पर उक्त अधिनियम के प्रनर्गत प्रभायाँ हैं।

[संचया 22/77-स्टाम्प/का० संचया 33/61/77 विकी कर]

एम० श्री० रामस्वामी, अवर सचिव

(Department of Revenue)

ORDER

New Delhi, the 3rd September, 1977

STAMPS

S.O. 2950.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the bonds in the form of promissory notes to the value of two hundred and twenty lakhs of rupees to be issued by the Karnataka State Financial Corporation, Bangalore, are chargeable under the said Act.

[No. 22/77-Stamp-F. No. 33/61/77-ST]

S. D. RAMASWAMY, Under Secy

(प्राधिक सार्व विभाग)

(विकास प्रबाद)

नई दिल्ली, 31 अगस्त, 1977

का० आ० 2951.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की विकारिश पर, एतद्वारा जोखित करती है कि उपर्युक्त अधिनियम की धारा 10 की उपाधारा (1) और (2) के उपबंध 1 मई 1977 से 6 जुलाई, 1977 तक रत्नाकर बैंक निमिटेड पर लागू नहीं होंगे।

[सं० 15(22) श्री० आ० III/77]

से० शा० उमराबकर, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 31st August, 1977

S.O. 2951.—In exercise of powers conferred by section 5 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-sections (1) and (2) of section 10B of the said Act, shall not apply to the Ratnakar Bank Ltd., from 1st May 1977 to the 6th July 1977.

[No. 15(22)-B.O. III/77]

M. B. USGAONKAR, Under Secy

नई दिल्ली, 2 मितम्बर, 1977

का० आ० 2952.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रक्रीय बदलन) एकीकृत, 1970 के अण्ड 8 के उपबंध (1) के साथ पठित अण्ड 3 के

उपर्युक्त (क) के अनुमत्य में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एन्डव्हारा श्री सी० ई० कामत को, 3 मितम्बर, 1977 से भारतीय बौकर 2 मितम्बर, 1978 को समाप्त होने वाली और अवधि के लिये केनरा बैंक के प्रबन्ध निवेशक के रूप में पुनः नियुक्त करती है।

[सं० एक० 9/13/77-बी० श्री० I(1)]

New Delhi, the 2nd September, 1977

S.O. 2952.—In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause 8, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby re-appoints Shri C. E. Kamath as the Managing Director of the Canara Bank for a further period commencing on 3rd September, 1977 and ending with 2nd September, 1978.

[No. F. 9/13/77-BO. I (1)]

का० आ० 2953.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रक्रीय उपबन्ध) स्कीम, 1970 के बांड 7 के साथ पठित बाण 5 के उपर्युक्त (1) के अनुमत्य में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एन्डव्हारा श्री सी० ई० कामत को, जिन्हें 3 मितम्बर, 1977 से केनरा बैंक के प्रबन्ध निवेशक के रूप में पुनः नियुक्त किया गया है, उसी भारीका से केनरा बैंक के निवेशक बोर्ड के अधिकार के रूप में पुनः नियुक्त करती है।

[सं० एक० 9/13/77-बी० श्री० I(2)]

बलदेव सिंह, मंदूक हसिंह

S.O. 2953.—In pursuance of sub-clause (1) of clause 5, read with clause 7, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri C. E. Kamath, who has been re-appointed as Managing Director of the Canara Bank with effect from 3rd September, 1977, to be the Chairman of the Board of Directors of the Canara Bank with effect from the same date.

[No. F. 9/13/77-BO. I (2)]

BALDEV SINGH, Jt. Secy.

भई विल्हेमी, 8 मितम्बर, 1977

का० आ० 2954.—हाविक पुनर्वित नियम तथा विकास मितम्ब अधिनियम, 1963 (1963 का 10) की बारा 10 के बांड (ग) द्वारा प्रबन्ध जनकारों का प्रयोग करने कुएँ केन्द्रीय सरकार एन्डव्हारा श्री के० एम० नारंग के स्थान पर हाविक और नियमाई मंत्रालय, हाविक विभाग के सचिव भी जी० बी० के० राज को हाविक पुनर्वित तथा विकास मितम्ब के नियेशक के रूप में नामित करती है।

[सं० एक० 14-67/77-ए० सी०]

श्री० एम० बहादुर, उप सचिव

New Delhi, the 8th September, 1977

S.O. 2954.—In exercise of the powers conferred upon it by clause (c) of section 10 of the Agricultural Refinance and Development Corporation Act, 1963 (10 of 1963), the Central Government hereby nominate Shri G. V. K. Rao, Secretary, Department of Agriculture, Ministry of Agriculture & Irrigation, as a Director of the Agricultural Refinance & Development Corporation vice Shri K. S. Narang.

[No. F. 14-67/77-AC]

V. N. BAHADUR, Dy. Secy.

भारतीय रिजर्व बैंक

(विवेशी मुद्रा नियंत्रण विभाग)

केन्द्रीय कार्यालय

मम्बर्ड, 1 मितम्बर, 1977

का० आ० 2955.—निम्नलिखित अनुमती के संभ 2 में दिये गये उपबन्धों में से प्रत्येक के अनुमत्य में रिजर्व बैंक एन्डव्हारा यह निवेश देता है कि उस अनुमती के संभ 2 के प्रत्येक उपबन्ध के भाग में उसके संभ 3 में उल्लिखित अधिसूचना मित्रिकम राज्य में तत्काल लागू होगी।

अनुमती

क्रम उपर्युक्त जिम्मे वालीन अधिसूचना लागू की गयी अधिसूचना सं० लागू की गयी है

(1) (2) (3)

1. विवेशी मुद्रा विनियमन अधिनियम 1973 (1973 का 46) की विवारी 1 जनवरी 1974 की अधिनियम 1973 (1973 का 46) सूचना सं० एक० ई० भार० ए० (इसके बाद हसका "अधिनियम" 1/74-भारवी के रूप में उल्लेख किया गया है) जी० बारा 2 के बांड (ज) का स्पष्टीकरण

2. अधिनियम की बारा 31 को उप-वारा (1) विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 2/74-भारवी

3. अधिनियम की बारा 8 को उप-वारा (1) विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 3/74-भारवी

4. अधिनियम की बारा 8 की उप-वारा (1) विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 4/74-भारवी

5. अधिनियम की बारा 9 की उप-वारा (1) विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 5/74-भारवी

6. अधिनियम की बारा 9 की उप-वारा (1) का बांड (च) विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 6/74-भारवी

7. अधिनियम की बारा 9 की उप-वारा (1) विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 7/74-भारवी

8. अधिनियम की बारा 9 की उप-वारा (3) विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 8/74-भारवी

9. भारत सरकार, वित्त मंत्रालय की विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 9/74-भारवी 10/74-भारवी/73

10. अधिनियम की बारा 13 की विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 10/74-भारवी

11. अधिनियम की बारा 13 की उप-वारा (2) विवारी 1 जनवरी 1974 की अधिसूचना सं० एक० ई० भार० ए० 11/74-भारवी

(1)	(2)	(3)
12. प्रधिनियम की धारा 19 की उप-धारा (1)	दिनांक 1 जनवरी 1974 की प्रधिसूचना सं० एक० ई० आर० ए० 12/74-प्रारंभी	
13. प्रधिनियम की धारा 24	दिनांक 1 जनवरी 1974 की प्रधिसूचना सं० एक० ई० आर० ए० १३/74-प्रारंभी	
14. प्रधिनियम की धारा 26 की उप-धारा (8)	दिनांक 11 जनवरी 1974 की प्रधिसूचना सं० एक० ई० आर० ए० १६/74-प्रारंभी	
15. अधिनियम की धारा 26 की उप-धारा (7)	दिनांक 11 जनवरी 1974 की प्रधिसूचना सं० एक० ई० आर० ए० १७/74-प्रारंभी	
16. प्रधिनियम की धारा 28 की उप-धारा (1)	दिनांक 11 अक्टूबर 1974 की प्रधिसूचना सं० एक० ई० आर० ए० २२/74-प्रारंभी	
17. प्रधिनियम की धारा 29 की उप-धारा (3)	दिनांक 27 नवंबर 1974 की प्रधिसूचना सं० एक० ई० आर० ए० २३/74-प्रारंभी	
18. प्रधिनियम की धारा 13 की उप-धारा (2)	दिनांक 30 जनवरी 1975 की प्रधिसूचना सं० एक० ई० आर० ए० २४/75-प्रारंभी	
19. प्रधिनियम की धारा 28 की उप-धारा (1)	दिनांक 19 मार्च 1975 की प्रधिसूचना सं० एक० ई० आर० ए० २७/75-प्रारंभी	
20. प्रधिनियम की धारा 13 की उप-धारा (2)	दिनांक 13 दिसंबर 1975 की प्रधिसूचना सं० एक० ई० आर० ए० ३३/75-प्रारंभी	
21. प्रधिनियम की धारा 28 की उप-धारा (1) का बांद (ग)	दिनांक 6 मार्च 1976 की प्रधिसूचना सं० एक० ई० आर० ए० ३० ३४/76-प्रारंभी	
22. प्रधिनियम की धारा 26 की उप-धारा (6)	दिनांक 10 मार्च 1976 की प्रधिसूचना सं० एक० ई० आर० ए० ३५/76-प्रारंभी	
23. प्रधिनियम की धारा 13 की उप-धारा (2)	दिनांक 10 मई 1976 की प्रधिसूचना सं० एक० ई० आर० ए० ३६/76-प्रारंभी	
24. भारत सरकार के विस मंत्रालय की दिनांक 24 मार्च 1951 की प्रधिसूचना सं० एम० आर० ए० ४०१ [१२(२०)१०एक० VII/५१]	दिनांक 4 जनवरी 1954 की प्रधिसूचना सं० एक० ई० आर० ए० १२३/५४-प्रारंभी	
25. भारत सरकार के विस मंत्रालय की दिनांक 25 अगस्त 1948 की प्रधिसूचना सं० १२(११)-एक० १/४८	दिनांक 8 नवंबर 1962 की प्रधिसूचना सं० एक० ई० आर० ए० २०९/६२-प्रारंभी	
26. भारत सरकार के विस मंत्रालय की दिनांक 25 अगस्त 1948 की प्रधिसूचना सं० १२(११)-एक० १/४८	दिनांक 4 जुलाई 1963 की प्रधिसूचना सं० एक० ई० आर० ए० २२३/६३-प्रारंभी	
27. प्रधिनियम की धारा 13 की उप-धारा (2)	दिनांक 10 दिसंबर 1969 की प्रधिसूचना सं० एक० ई० आर० ए० २४७/६९-प्रारंभी	
28. भारत सरकार के विस मंत्रालय की दिनांक 25 अगस्त 1948 की प्रधिसूचना सं० १२(११)-एक० १/४८	दिनांक 7 जून 1972 की प्रधिसूचना सं० एक० ई० आर० ए० २५५/७२-प्रारंभी	

(1)	(2)	(3)
29. प्रधिनियम की धारा 8 की उप-धारा (1) और धारा 73 की प्रधिसूचना सं० एक० ई० आर० ए० २५६/७३-प्रारंभी	दिनांक 7 अक्टूबर 1972 की प्रधिसूचना सं० एक० ई० आर० ए० २५७/७२-प्रारंभी	[सं० एक० ई० आर० ए० ४५/७७-प्रार० ए० १० पी० आर० नागिया, उप गवर्नर]
30. प्रधिनियम की धारा 5 की उप-धारा (1) का बांद (ख)	दिनांक 7 अक्टूबर 1972 की प्रधिसूचना सं० एक० ई० आर० ए० २५७/७२-प्रारंभी	

RESERVE BANK OF INDIA

(Exchange Control Department)

CENTRAL OFFICE

Bombay, the 1st September, 1977

S.O. 2955.—In pursuance of each of the provisions set out in column 2 of the following Schedule the Reserve Bank hereby directs that the notification mentioned in column 3 of the said Schedule against each provision in column 2 thereof shall, with immediate effect, extend to the State of Sikkim.

SCHEDULE

Sr. No.	Provisions under which extension is made	Notification which is extended
(1)	(2)	(3)
1.	Explanation to clause (j) of section 2 of the Foreign Exchange Regulation Act 1973 (46 of 1973) (hereinafter referred to as "the Act").	FERA. 1/74-RB dated 1st January 1974.
2.	Sub-section (1) of section 31 of the Act.	FERA. 2/74-RB dated 1st January 1974.
3.	Sub-section (1) of section 8 of the Act.	FERA. 3/74-RB dated 1st January 1974.
4.	Sub-section (1) of section 8 of the Act.	FERA. 4/74-RB dated 1st January 1974.
5.	Sub-section(1) of section 9 of the Act.	FERA. 5/74-RB dated 1st January 1974.
6.	Clause (d) of sub-section (1) of section 9 of the Act.	FERA. 6/74-RB dated 1st January 1974.
7.	Sub-section (1) of section 9 of the Act.	FERA. 7/74-RB dated 1st January 1974.
8.	Sub-section (3) of section 9 of the Act.	FERA. 8/74-RB dated 1st January 1974.
9.	Government of India, Ministry of Finance, Notification No. F.I/107/EC/73 dated 1st January 1974.	FERA. 9/74-RB dated 1st January 1974.
10.	Sub-section (2) of Section 13 of the Act.	FERA. 10/74-RB dated 1st January 1974.
11.	Sub-section (2) of section 13 of the Act.	FERA. 11/74-RB dated 1st January 1974.
12.	Sub-section (1) of section 19 of the Act.	FERA. 12/74-RB dated 1st January 1974.
13.	Section 24 of the Act.	FERA. 13/74-RB dated 1st January 1974.
14.	Sub-section (6) of section 26 of the Act.	FERA. 16/74-RB dated 11th January 1974.
15.	Sub-section (7) of section 26 of the Act.	FERA. 17/74-RB dated 11th January 1974.

1	2	3
16. Sub-section (1) of section 29 of the Act.	FERA. 22/74-RB dated 11th October 1974.	
17. Sub-section (3) of Section 29 of the Act.	FERA. 23/74-RB dated 27th November 1974.	
18. Sub-section (2) of section 13 of the Act.	FERA. 24/75-RB dated 30th January 1975.	
19. Sub-section (1) of section 28 of the Act.	FERA. 27/75-RB dated 19th April 1975.	
20. Sub-section (2) of Section 13 of the Act.	FERA. 33/75-RB dated 13th December 1975.	
21. Clause (c) of sub-section (1) of section 28 of the Act.	FERA. 34/76-RB dated 6th March 1976.	
22. Sub-section (6) of section 26 of the Act.	FERA. 35/76-RB dated 10th April 1976.	
23. Sub-section (2) of section 13 of the Act.	FERA. 36/76-RB dated 10th May 1976.	
24. Government of India, Ministry of Finance Notification No. S.R.O. 401 [12(20) EF. VII/51] dated 24th March 1951.	FERA. 123/54-RB dated 4th January 1954.	
25. Government of India, Ministry of Finance Notification No. 12 (11)-F1/48 dated 25th August 1948.	FERA. 208/62-RB dated 8th November 1962.	
26. Government of India, Ministry of Finance Notification No. 12 (11)-F1/48 dated 25th August 1948.	FERA. 223/63-RB dated 4th July 1963.	
27. Sub-section (2) of section 13 of the Act.	FERA. 247/69-RB dated 10th December 1969.	
28. Government of India, Ministry of Finance Notification No. 12 (11)-F1/48 dated 25th August 1948.	FERA. 255/72-RB dated 7th June 1972.	
29. Sub-section (1) of section 8 and sub-section (3) of section 73 of the Act.	FERA. 256/72-RB dated 7th October 1972.	
30. Clause (b) of sub-section(1) of section 9 of the Act.	FERA. 257/72-RB dated 7th October 1972.	

[No. FERA. 45/77-RB]

P. R. NANGIA, Dy. Governor.

(Department of Accounts and Expenditure)

Bombay, the 8th September, 1977

CORRIGENDUM

S.O. 2956.—In the statement of affairs of the Issue Department as on 13th July 1977, published in Part II—Section 3(ii) of the Gazette of India dated 27th August 1977, the following Corrigendum may be noted on page 2862, the figures Rs. 1271,73,93,000 under the head “Foreign Securities” may be read as Rs. 1271,73,97,000.

[Reference Gen. No. 152/4-77/78]

K. SUBRAMANIAN, P. Chief Accountant

(चय विभाग)

नई शिल्पी, 5 मितम्बर, 1977

कांा आ० 2957—मंविधान के अनुच्छेद 309 के परन्तुक प्रौर अनुच्छेद 149 के खण्ड (5) द्वारा प्रदत्त शर्कियों का प्रयोग करने तुए, प्रौर

उन व्यक्तियों के संबंध में जो भारतीय लेखापनीका और लेखा विभाग में सेवारत है, नियंत्रक-महालेखापनी क्षक से परामर्श करने के पश्चात राष्ट्र-पति माधारण भवित्व निधि (केन्द्रीय सेवाएँ) नियम, 1960 में प्रौर मंजु-धन करने के लिए, निम्नलिखित नियम बनाये हैं, अतिरिक्त:—

(1) इन नियमों का नाम साधारण भवित्व निधि (केन्द्रीय सेवाएँ) नीता संशोधन नियम, 1977 है।

(2) ये 8 अक्टूबर, 1975 को प्रकृत हुए समझे जाएंगे।

2. माधारण भवित्व निधि (केन्द्रीय सेवाएँ) नियम, 1960 में, नियम 33 के पश्चात्, निम्नलिखित नियम अन्त स्थापित किया जाएगा, अतिरिक्त:—

“3.3-क नियम संश्लेषण की सम्यु पर, प्रभिदायी के जमा खाते रकम प्राप्त करने के हकदार अधिक को, लेक्का अधिकारी हारा, ऐसे प्रभिदायी की मूल्य के ठीक पूर्ववर्ती 3 वर्ष के दौरान उसके लेखा में श्रीयत प्रतिशेष के समतुल्य अतिरिक्त रकम का संदाय, निम्नलिखित शर्तों के अधीन रहने हुए, किया जाएगा, प्रणाली:—

(क) ऐसे प्रभिदायी के जमाकाने में अतिशेष उमका मूल्य के मात्र के ठीक पूर्ववर्ती 3 वर्ष के दौरान, निम्नलिखित शर्तों में कम नहीं होना चाहिए:—

(i) ऐसे प्रभिदायी की दशा में जिसने उपरोक्त 3 वर्ष को अवधि के अधिकतर भाग में, ऐसा पद धारण किया है जिसके बेतनमान का अधिकतम 1300 रुपए या अधिक है, किन्तु 1300 रुपए से कम है, 2500 रुपए;

(ii) ऐसे प्रभिदायी की दशा में जिसने उपरोक्त 3 वर्ष को अवधि के अधिकतर भाग में, ऐसा पद धारण किया है जिसके बेतनमान का अधिकतम 900 रुपए या अधिक है, किन्तु 900 रुपए से कम है, 1500 रुपए;

(iii) ऐसे प्रभिदायी की दशा में जिसने उपरोक्त 3 वर्ष को अवधि के अधिकतर भाग में, ऐसा पद धारण किया है जिसके बेतनमान का अधिकतम 290 रुपए या उससे अधिक है, किन्तु 900 रुपए से कम है, 1500 रुपए।

(iv) ऐसे प्रभिदायी की दशा में जिसने उपरोक्त 3 वर्ष को अवधि के अधिकतर भाग में, ऐसा पद धारण किया है जिसके बेतनमान का अधिकतम 290 रुपए से कम है, 1000 रुपए।

(फ) इस नियम के अधीन संदेश अतिरिक्त रकम 10,000 रुपए से अधिक नहीं होगी;

(ग) मूल्य के समय तक प्रभिदायी की सेवा कम से कम 5 वर्ष होनी चाहिए।

टिप्पणी-।—प्रौद्योग अधिकारी की मूल्य के मात्र के पूर्ववर्ती 36 मास में से प्रत्येक के अंत में प्रभिदायी के जमाकाने में अतिशेष के आधार पर निकाला जाएगा। इस प्रौद्योग के लिए, प्रौद्योग अपर विहित ल्यूनतम अतिशेष की जात करने के लिए भी—

(क) मार्च के अंत में अतिशेष में नियम 11 के अनुसार जमाकाने की गई वार्षिक व्याज सम्मिलित होगी, प्रौद्योग

(ख) यदि उपर्युक्त 36 मास में से अन्तिम मास मार्च में अतिशेष वर्ष के प्रारम्भ में, जिसमें मूल्य हुई है, उक्त अन्तिम मास के अंत तक की अवधि की वार्षिक व्याज सम्मिलित होगी।

टिप्पण-2—इस स्कीम के अधीन संबंधी पूर्ण रुपयों में होना चाहिए; यदि योग्य रुपय में रुपए का कोई भाग सम्मिलित है तो वह निकटतम रुपए में पूर्णकित किया जाएगा (50 पैसों को 1 रुपया गिना जाएगा)।

टिप्पण-3—इस स्कीम के अधीन संदेश राशि बोमा-धन के रूप में है। अस: भवित्व निधि अधिनियम, 1925 (1925 का 19) की द्वारा 3 द्वारा दिया गया संरक्षण, स्कीम के अधीन संदेश राशियों को लागू नहीं होगा।

टिप्पण-4—वह स्कीम निधि के उन अभिदायियों को भी लागू होती है जो किसी भरकारी विभाग के लिये में परिवर्तन किए जाने के परिणाम स्वरूप किसी स्वामी भंगठन को स्थानांतरित कर दिए जाते हैं और जो ऐसे स्थानांतरण पर, उन्हें दिए गए विकल्प के अनुमत्तर में, इन नियमों के अनुसार इस निधि में अभिदाय करने का निष्पत्ति करते हैं।

टिप्पण-5—ऐसे भरकारी सेवक की दशा में जिसे नियम 35 और नियम 35के के अधीन, निधि के कार्यदे देना स्वीकार किया गया है, किस्तु जिसकी मृत्यु 'यात्रामित्रि' 3 वर्ष सेवा पूरी होने के पूर्व रुपयोग निधि में उसे सम्मिलित किए जाते भी तारीख से 5 वर्ष की सेवा पूरी होने के पूर्व ही जाती है, पूर्ववर्ती नियोजक के अधीन उसकी सेवा की वह अवधि जिसको आवत उसके अभिदाय और नियोजक के अभिदाय, यदि कोई हो, अवधि के माथ प्राप्त हो गए हों, खण्ड के और खण्ड ग के प्रयोजनों के लिए गणना में ली जाएगी।

(अ) नियम अवधि के आधार पर नियुक्त किए गए अक्षियों की दशा में और पुनर्नियोजित सेवा नियुक्त अक्षियों की दशा में, केवल ऐसी नियुक्ति या ऐसे पुनर्नियोजित की नारीख से की गई सेवा इस नियम के प्रयोजनों के लिए गणना में ली जाएगी।

(ग) यह स्कीम निवादा के आधार पर नियुक्त किए गए अक्षियों को लागू नहीं है।

टिप्पण-6—इस स्कीम की बाबत अध्यय के बजट प्राक्कलन उस लेखा अधिकारी द्वारा तैयार किए जाएंगे जो निधि के रखे जाने के लिए उपरायोगी है। ऐसे बजट प्राक्कलन अध्यय की प्रकृति को ध्यान में रखने हुए उसी रीति में तैयार किए जाएंगे जिन गिनि में अन्य सेवा नियुक्त कार्यशों के लिए प्राक्कलन तैयार किए जाने हैं।

स्पष्टीकरण शाय

साधारण भवित्व निधि (केन्द्रीय सेवाएं) नियम, 1960 में ये संगोष्ठन 8 जनवरी, 1975 से भूतलभी प्रभाव से किये जा रहे हैं क्योंकि नियोग संबद्ध भीमा स्कीम, वित्त मंत्रालय (अधि विभाग) के कार्यालय शायन में एक ८(१०)-ई(बी)/७३ सारीख 8 जनवरी, 1975 से पूर्णस्थापित की गई थी। इन नियमों के 8 जनवरी, 1975 से भूतलभी प्रभाव से लागू किए जाने से किसी अधिकारी पर कोई प्रतिकूल प्रभाव पड़ने की संभावना नहीं है।

[सं. का. 13(१०)-ई(बी)/७६-जी० पी० एफ०]

स्थायि सुन्दर लाल मलहोत्रा

(Department of Expenditure)

New Delhi, the 5th September, 1977

S.O. 2957.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the

Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the General Provident Fund (Central Services) Rules, 1960, namely :—

1. (1) These rules may be called the General Provident Fund (Central Services) Fourth Amendment Rules, 1977.

(2) They shall be deemed to have come into force on the 8th day of January, 1975.

2. In the General Provident Fund (Central Services) Rules, 1960, after rule 33, the following rule shall be inserted, namely :—

“33-A Deposit-linked Insurance Scheme.—On the death of a subscriber, the person entitled to receive the amount standing to the credit of the subscriber shall be paid by the Account Officer an additional amount equal to the average balance in the account during the 3 years immediately preceding the death of such subscriber, subject to the condition that—

(a) the balance at the credit of such subscriber shall not at any time during the 3 years preceding the month of death have fallen below the limits of—

(i) Rs. 3000/- in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs. 1300, or more;

(ii) Rs. 2500 in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs. 900 or more but less than Rs. 1300;

(iii) Rs. 1500 in the case of subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs. 290 or more but less than Rs. 900;

(iv) Rs. 1000 in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is less than Rs. 290;

(b) the additional amount payable under this rule shall not exceed Rs. 10,000;

(c) the subscriber has put in atleast 5 years service at the time of his death.

Note 1.—The average balance shall be worked out on the basis of the balance at the credit of the subscriber at the end of each of the 36 months preceding the month in which the death occurs. For this purpose, as also for checking the minimum balances prescribed above—

(a) the balance at the end of March shall include the annual interest credited in terms of rule 11; and

(b) if the last of the aforesaid 36 months is not March, the balance at the end of the said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

Note 2.—Payments under this scheme should be in whole rupees. If an amount due includes a fraction of a rupee, it should be rounded to the nearest rupee, (50 paise counting as the next higher rupee).

Note 3.—any sum payable under this scheme is in the nature of insurance-money and, therefore, the statutory protection given by section 3 of the Provident Fund Act, 1925 (Act 19 of 1925) does not apply to sums payable under this scheme.

Note 4.—This scheme also applies to those subscribers to the Fund who are transferred to an autonomous organisation consequent upon conversion of a Government Department into such a body and who, on such transfer, opt, in

terms of option given to them, to subscribe to this Fund in accordance with these rules.

Note 5.—(a) In case of a Government servant who has been admitted to the benefits of the Fund under rule 35 or rule 35-A, but dies before completion of three years service or, as the case may be, five years service from the date of his admission to the Fund that period of his service under the previous employer in respect whereof the amount of his subscriptions and the employer's contribution, if any, together with interest have been received, shall count for purposes of clause (a) and clause (c).

(b) In case of persons appointed on tenure basis and in the case of re-employed pensioners, service rendered from the date of such appointment or re-employment, as the case may be, only will count for purposes of this rule.

(c) This scheme does not apply to persons appointed on contract basis.

Note 6.—The budget estimates of expenditure in respect of this scheme will be prepared by the Accounts Officer responsible for maintenance of the accounts of the Fund having regard to the trend of expenditure, in the same manner as estimates are prepared for other retirement benefits."

EXPLANATORY MEMORANDUM

The General Provident Fund (Central Services) Rules, 1960 are being amended retrospectively with effect from 8th January, 1975 as the deposit-linked insurance scheme was introduced with effect from that date vide Ministry of Finance (Department of Expenditure) O.M. No. F. 9(10)-EV(B)/73, dated the 8th January, 1975. No officer is likely to be adversely affected by these rules being given retrospective effect from 8-1-1975.

[No. F. 13(10)-EV(B)/76-GPF]

का० आ० 2958.—संविधान के अनुच्छेद 309 के परन्तु और अनुच्छेद 149 के खण्ड (5) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए, और उन व्यक्तियों के सम्बन्ध में जो भारतीय सेवापरीक्षा और सेवा विभाग में सेवारत हैं, नियंत्रक-महापरीक्षा परीक्षक में परामर्श करने के पश्चात् राष्ट्रपति अंशदायी भविष्य निधि नियम (भारत) 1962 में और संशोधन करने के लिए, निम्नलिखित नियम बनाते हैं, अर्थात्—

1. (1) इन नियमों का नाम अंशदायी भविष्य निधि और संशोधन नियम (भारत), 1977 है।

(2) ये 8 जनवरी, 1975 को प्रवृत्त हुए समझे जाएंगे।

2. अंशदायी भविष्य निधि नियम (भारत), 1962 में नियम 35 के पश्चात्, निम्नलिखित नियम अनेक स्थापित किया जाएगा अर्थात्—

"35-क निषेष सम्बन्ध वीमा स्कीम—अंशदायी की मृत्यु पर, अंशदायी के जमावाने रकम प्राप्त करने के दृढ़दार व्यक्ति को, सेवा अधिकारी द्वारा ऐसे अंशदायी की मृत्यु के ठीक पूर्ववर्ती 3 वर्ष के दौरान उसके सेवा में और निषेष स्वास्थ्य के समतुल्य अधिकृत रकम को संवाय निम्नलिखित शर्तों के अधीन रखते हुए किया जाएगा अर्थात्—

(क) ऐसे अंशदायी के जमावाने में अनिषेष उसकी मृत्यु के मास के ठीक पूर्ववर्ती 3 वर्षों के दौरान, निम्नलिखित गणियों से कम नहीं होना चाहिए।

(1) ऐसे अंशदायी की दण में जिसने उपरोक्त 3 वर्ष की प्रवधि के अधिकार भाग में, ऐसा पद धारण किया है जिसके बेनतमान का अधिकतम 1300 रु० या अधिक है 3000 रुपये;

(2) ऐसे अंशदायी की दण में जिसने उपरोक्त 3 वर्ष की प्रवधि के अधिकार भाग में ऐसा पद धारण किया है जिसके बेनतमान का अधिकतम 900 रु० या अधिक है किन्तु 1300 रुपये से कम है, 2500 रुपये;

(3) ऐसे अंशदायी की दण में जिसने उपरोक्त 3 वर्ष की प्रवधि के अधिकार भाग में, ऐसा पद धारण किया है कि जिसके बेनतमान का अधिकतम 290 रुपये या उसके अधिक है किन्तु 900 रु० से कम है, 1500 रुपये।

(4) ऐसे अंशदायी की दण में जिसने उपरोक्त 3 वर्ष की प्रवधि के अधिकार भाग में, ऐसा पद धारण किया है जिसके बेनतमान का अधिकतम 290 रुपये से कम है, 1000 रुपये;

(क) इस नियम के अधीन संवैय अनिवार्य रकम 10,000 रुपये से अधिक नहीं होती;

(ग) मृत्यु के समय तक अंशदायी की सेवा कम से कम 5 वर्ष होनी चाहिए।

टिप्पणी 1—आमत अनिषेष अंशदायी की मृत्यु के मास के पूर्ववर्ती 36 मास में से प्रत्येक के प्रत्यन्त में अंशदायी के जमावाने में अनिषेष के आधार पर निकाला जाएगा। इस प्रयोजन के लिए और उसके विहित न्यूनतम अनिषेषों की जांच करने के लिए भी—

(क) मार्च के अन्त में अनिषेष में नियम 11 के अनुसार जमावाने की गई वार्षिक व्याज सम्मिलित होगी—और

(च) यदि उपर्युक्त 36 मास में से अन्तिम मास मार्च नहीं है तो, उक्त अन्तिम मास के अन्त के अनिषेष में, उम वित्तीय वर्ष के प्रारम्भ से, जिसमें मृत्यु हुई है, उक्त अन्तिम मास के प्रत्यन्त तक की प्रवधि की बाबत व्याज सम्मिलित होगी।

टिप्पणी 2—इस स्कीम के अधीन संवाय पूर्ण रुपयों में होना चाहिए। यदि योध्य रकम में रुपए का कोई भाग सम्मिलित है तो वह निकटतम रुपया में पूर्णांकित किया जाएगा (50 पैसों को 1 रुपया बिना जाएगा)।

टिप्पणी 3—इस स्कीम के अधीन संवाय राशि वीमा के अन के रूप में है। अतः भविष्य निधि अनिवार्य, 1925 (1925 का 19) की धारा 3 द्वारा दिया गया संरक्षण, स्कीम के अधीन संवैय राशियों को लागू नहीं होगा।

टिप्पणी 4—यह स्कीम निधि के उन अंशदायियों को भी लागू होती है जो किसी सरकारी विभाग के निकाय में परिवर्तित किए जाने के परिणामस्वरूप किसी स्वामाशी मंगठन को स्थानान्तरित कर दिए जाते हैं और जो ऐसे स्थानान्तरण पर, उन्हें दिए गए विकल्प के अनुमरण में इन नियमों के अनुसार उस निधि में अंशदाय करने का तिष्यत्य करते हैं।

टिप्पणी 5—ऐसे सरकारी सेवक की दण, में जिसे नियम 35 और नियम 35-क के अधीन, निधि के कायदे देना स्वीकार किया गया है किन्तु जिसकी मृत्यु, वयस्त्वानि, 3 वर्ष सेवा पूरी होने के पूर्व अवधि विधि में उसे सम्मिलित किए जाने की नारीक से 5 वर्ष की सेवा पूरी होने के पूर्व हो जाती है, पूर्ववर्ती नियोजक के अधीन उसकी सेवा की वह अवधि, जिसकी बाबत उसके अंशदायी पर और नियोजक के अंशदायी यदि कोई हो, व्याप्र के साथ प्राप्त हो गए हों, खण्ड के अनुसार और खण्ड ग के प्रयोजनों के लिए गणना में भी जाएंगी।

(क) नियम अवधि के प्राधार पर नियुक्त किए गए व्यक्तियों की दण में और पुनर्नियोजित सेवानिवृति व्यक्तियों की दण में केवल ऐसी नियुक्तियों ऐसे पुनर्नियोजित की नारीक से कोई गई सेवा इस नियम के प्रयोजनों के लिए गणना में ली जाएगी।

(ग) यह स्कीम निविदा के प्राधार पर नियुक्त किए गए व्यक्तियों को लागू नहीं है।

टिप्पणी 6—इस स्कीम की बाबत व्यय के बजट प्राप्तकलन उम लेवा अधिकारी द्वारा तैयार किए जाएंगे जो निधि के रखे जाने के लिए उत्तरदायी है। ऐसे बजट प्राप्तकलन व्यय की प्रकृति की द्वारा में रखते हुए उसी रीति में तैयार किए जाएंगे जिस रीति में प्रत्य सेवा निवृत्त कायदों के लिए प्राप्तकलन तैयार किए जाते हैं।"

स्पेशलिस्ट भाषण

ग्रांडायरी भवित्व निधि नियम (भारत), 1962 का यह संशोधन 8 जनवरी, 1975 से भूतलक्षी प्रभाव में किये जा रहे हैं क्योंकि निश्चय मन्त्रालय श्रीमा स्कीम, वित्त मंत्रालय (व्याय विभाग) के कार्यालय जागत मंड्या एक 9(10)-ई बी (आ), 73, नारीवा 8 जनवरी, 1975 से पुनः स्थापित की गई थी। इन नियमों के 8 जनवरी, 1975 से भूतलक्षी प्रभाव में नापूँ किए जाने से किसी अधिकारी पर कोई प्रतिकूल प्रभाव पड़ने की संभावना नहीं है।

[मो. एफ. 13(10)-ई-व(बी)/76-सी०पी०एफ०]

एम० एम० एल० मल्होत्रा, अवर मन्त्री

S.O. 2958.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962, namely :—

1. (1) These rules may be called the Contributory Provident Fund Fourth Amendment Rules (India), 1977.

(2) They shall be deemed to have come into force on the 8th day of January, 1975.

2. In the Contributory Provident Fund Rules (India), 1962, after rule 35, the following rule shall be inserted, namely :—

“35-A Deposit-linked Insurance Scheme.—On the death of a subscriber, the person entitled to receive the amount standing to the credit of the subscriber shall be paid by the Accounts Officer an additional amount equal to the average balance in the account during the 3 years immediately preceding the death of such subscriber, subject to the conditions that—

(a) the balance at the credit of such subscriber shall not at any time during the 3 years preceding the month of death have fallen below the limits of—

(i) Rs. 3000/- in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs. 1300/- or more;

(ii) Rs. 2500/- in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs. 900/- or more but less than Rs. 1300/-;

(iii) Rs. 1500/- in the case of subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is Rs. 290/- or more but less than Rs. 900/-;

(iv) Rs. 1000/- in the case of a subscriber who has held, for the greater part of the aforesaid period of three years, a post the maximum of the pay scale of which is less than Rs. 290/-.

(b) the additional amount payable under this rule shall not exceed Rs. 10,000/-;

(c) the subscriber has put in atleast 5 years service at the time of his death.

Note 1.—The average balance shall be worked out on the basis of the balance at the credit of the subscriber at the end of each of the 36 months preceding the month in which

the death occurs. For this purpose, as also for checking the minimum balances prescribed above—

(a) the balance at the end of March shall include the annual interest credited in terms of rule 12, and

(b) if the last of the aforesaid 36 months is not March, the balance at the end of the said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

Note 2.—Payments under this scheme should be in whole rupees. If an amount due includes a fraction of a rupee, it should be rounded to the nearest rupee, (50 paise counting as the next higher rupee).

Note 3.—Any sum payable under this scheme is in the nature of insurance-money and, therefore, the statutory protection given by section 3 of the Provident Funds Act, 1925 (Act 19 of 1925) does not apply to sums payable under this scheme.

Note 4.—This scheme also applies to those subscribers to the Fund who are transferred to an autonomous organisation consequent upon conversion of a Government Department into such a body and who, on such transfer, opt, in terms of option given to them, to subscribe to this Fund in accordance with these rules.

Note 5—(a) In case of a Government servant who has been admitted to the benefits of the Fund under sub-rule (3) or sub-rule (4) of rule 4 but dies before completion of three years service or, as the case may be, five years service from the date of his admission to the Fund, that period of his service under the previous employer in respect whereof the amount of his subscriptions and the employer's contribution, if any, together with interest have been received, shall count for purposes of clause (a) and clause (c).

(b) In case of persons appointed on tenure basis and in the case of re-employed pensioners, service rendered from the date of such appointment or re-employment, as the case may be, only will count for purposes of this rule.

(c) This scheme does not apply to persons appointed on contract basis.

Note 6.—The budget estimates of expenditure in respect of this scheme will be prepared by the Accounts Officers responsible for maintenance of the accounts of the Fund having regard to the trend of expenditure, in the same manner as estimates are prepared for other retirement benefits.”

EXPLANATORY MEMORANDUM

The Contributory Provident Fund Rules (India), 1962 are being amended retrospectively with effect from 8th January, 1975 as the deposit-linked insurance scheme was introduced with effect from that date vide Ministry of Finance (Department of Expenditure) O.M. No. F. 9(10)-EV(B)/73 dated the 8th January, 1975. No officer is likely to be adversely affected by these rules being given retrospective effect from 8th January, 1975

[No. I. 13(10)-EV(B)/76-CPF]

S. S. I MALHOTRA, Under Secy.

सीमा-तुलक तथा केन्द्रीय उत्पादन शुल्क

गिरिंग, 3 जून, 1977

केन्द्रीय उत्पादन शुल्क

फा० आ० 2959—केन्द्रीय उत्पादन शुल्क नियम, 1944 के नियम 5 के अधीन युक्त प्रदल शक्तियों का प्रयोग करते हुए तथा इस समाहृतीलय की विनाक 1-5-67 की प्रधिसूचना सं० 2/क०उ०श०/67 (केन्द्रीय उत्पादन शुल्क) में आंशिक संबोधन करते हुए, मैं, एनद्वारा इसके साथ अनुबंध सारणी के कालम 3 में विनियिष्ट केन्द्रीय उत्पादन शुल्क के अधिकारियों को अपने-अपने प्रधिकार छोड़ो मैं, उक्त सारणी के कालम 4 में दी गयी पारंपरियों तथा परिसीमाओं के अधीन रहते हुए, उसके कालम 2 के अन्तर्गत नियम के उपलब्धियों के अधीन, समाहृती की शक्तियों का प्रयोग करने का प्रधिकार देता हूं।

सारणी

क्रम सं०	केन्द्रीय उत्पादन शुल्क नियम मंड्या	उन अधिकारियों को समाहृती की शक्तियों प्रतिबंध और परिसीमाएं, का प्रत्यायोजन, जो नियमित से कम यदि कोई हो तो भोग्दे के नहीं हैं	टिप्पणियाँ	
1	2	3	4	5
57	192 (प्रधिसूचना सं० 2/क०उ०श०/67 में अनु- बंध सारणी की)	केन्द्रीय उत्पादन शुल्क के अधीक्षक के भोग्दे के पर्यावरकी कार्यों की लागत निर्धारित तथा उससे उच्च भोग्दे के सभी अधिकारी करने में संबंधित शक्तियों के अतिरिक्त सभी शक्तियाँ।		

[सं० 1/क०उ०श०/77/सी०म०IV-8/2/73/342]

क० एस० साहा, समाहृती

CUSTOMS & CENTRAL EXCISES

Shillong, the 3rd June, 1977

CENTRAL EXCISES

S.O. 2959—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944 and in partial modification of this Collectorate Notification No. 2/CE/67 (Central Excise) dated 1-5-67, I hereby empower the Central Excise Officers specified in column 3 of the table hereto annexed to exercise within their respective jurisdictions the power of Collector under the provisions of the Rules in column 2 of the said table, subject to the restriction and limitations set out in column 4 thereof.

TABLE

Sl. No.	Central Excise Rule No.	Collector's powers delegated to officers not below the rank of	Restriction and limitations if any	Remarks
1	2	3	4	5
57 (Of the table annexed to Notification No. 2/CE/67)	192	All officers of and above the rank of Superintendents of Central Excise.	All powers except in regard to fixing the cost of supervising operations.	

[No. 1/CE/77/C.No. IV-8/2/73/342]

धनकर आयुक्त कार्यालय, हरियाणा एवं चंडीगढ़

रोहतक, 9 सितम्बर, 1977

धनकर

का० आ० 2960:—यम: केन्द्रीय सरकार की राय है कि लोकहित में यह आवश्यक तथा समीचीन है कि धनकर अधिनियम, 1957 (1957 का 27) के अधीन यहां इसके पश्चात् विमिदिष्ट ऐसे करदाताओं के नाम तथा अन्य विशिष्टियां प्रकाशित की जाएं, जिनका शुद्ध धनविसीय वर्ष 1976-77 के दौरान 10 लाख रुपये से अधिक निर्धारित किया गया है। और यतः धनकर अधिनियम, 1957 (1957 का 27) की धारा 42-क द्वारा प्रदत्त शक्तियों का तथा इस नियमित उमे समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने अपने आदेश दिनांक 7 जनवरी, 1975 के द्वारा धनकर के सभी आयुक्तों को अपने लोकाधिकार में स्थित करदाताओं से सम्बन्धित नाम, पते, हैसियत तथा निर्धारण वर्ष तथा ऐसे करदाताओं द्वारा विवरणित धन, निर्धारित किया गए धन, तथा विवरण वर्ष 1976-77 के दौरान देय धनकर तथा दिए गए धनकर को प्रकाशित करने के लिए प्राधिकृत किया है।

अन: अब केन्द्रीय सरकार के उपर्युक्त दिनांक 7 जनवरी, 1975 के आदेश के अनुसार प्रदत्त शक्तियों को प्रयोग करते हुए, मैं एतद्वारा इससे संलग्न अनुसूची में उपर्युक्त करदाताओं के नाम तथा विशिष्टियां प्रकाशित करता हूँ।

आय-कर विभाग

धनकर के ऐसे सभी करदाताओं के नाम, जिनका शुद्ध धन विसीय वर्ष 1976-77 के दौरान 10 लाख रुपये से अधिक निर्धारित किया गया था। (1) हैसियत के लिए है—‘एफ’ (H) हिन्दू प्रविभक्त कुटुम्ब और ‘आई’ (I) अपरिक्षण के लिये, (2) कर निर्धारण वर्ष के लिए, (3) दी गई शुद्ध धन विवरणी (रिटर्न) के लिए, (4) निर्धारित शुद्ध धन के लिए, (5) देय कर के लिए, (6) दिए गए कर के लिए है।

1. श्री राजीव कुमार द्वारा मैमर्स किरन मिनेमा, जर्जीगढ़ (1) ‘आई’ (2) 1975-76 (3) 820550 रु (4) 1028100 रु (5) 21124 रु (6) 21124 रु।
2. श्री श्री० श्री० पुरी, यमुनानगर (1) ‘आई’ (2) 1975-76 (3) 1030300 रु (4) 1030300 रु (5) 20395 रु (6) 20395 रु।
3. शकुन्तला देवी जैन एल इल्लू श्री नेम सागर जत रेवाड़ी (1) ‘आई’ (2) 1967-68 (3) 988200 रु (4) 1234940 रु (5) 11278 रु (6) 6956 रु।
4. श्री गिरिश मोहन गनेरी वाला, सिरसा (1) ‘आई’ (2) 1970-71 (3) 1939100 रु (4) 2139620 रु (5) 36189 रु (6) 36189 रु।
5. श्री गिरिश मोहन गनेरी वाला, सिरसा (1) ‘आई’ (2) 1971-72 (3) 2082980 रु (4) 2362300 रु (5) 67115 रु (6) 67115 रु।
6. श्री गिरिश मोहन गनेरी वाला, मिर्जा (1) ‘आई’ (2) 1972-73 (3) 2190780 रु (4) 2595670 रु (5) 117654 रु (6) 117654 रु।
7. कुलराज बहादुर रोमेश कुमार, ममीमाजरा (1) ‘एच’ (2) 1975-76 (3) 1071700 रु (4) 1071700 रु (5) 22868 रु (6) 22868 रु।

8. कुलराज बहादुर रोमेश कुमार ममीमाजरा (1) ‘एच’ (2) 1976-77 (3) 114720 रु (4) 11223006 रु (5) 24852 रु (6) 24852 रु।

[का० स० 418(5)/77-78 मुख्या०]

एम० एम० उमिनाथर, धनकर आयुक्त

OFFICE OF THE COMMISSIONER OF WEALTH TAX,
HARYANA & CHANDIGARH

Rohtak, the 9th September, 1977

WEALTH-TAX

S.O. 2960.—Whereas the Central Government is of the opinion that it is necessary and expedient in the public interest to publish the names and other particulars hereinafter specified relating to assesses who have been assessed under the Wealth-tax Act, 1957 (27 of 1957) on net wealth exceeding Rs. 10 lakhs during financial year 1976-77.

And whereas in exercise of the powers conferred by section 42A of the Wealth-tax Act 1957 (27 of 1957) and all other powers enabling them in this behalf the Central Government has by its order dated 7-1-1975, authorised all Commissioners of Wealth-tax to publish the names, addresses, status and assessment year relating to assesses within their jurisdiction and wealth returned by, the wealth assessed on, the wealth-tax payable by and the wealth-tax paid by such assesses during the financial year 1976-77.

Now, therefore, in exercise of the powers conferred upon me by the Central Government by its aforesaid order dated 7-1-1975, I hereby publish in Schedule, hereto annexed, the names and other particulars of the assesses aforesaid.

INCOME-TAX DEPARTMENT

Names of all Wealth-tax assesses assessed on net wealth exceeding Rs. 10 lakhs during the financial year 1976-77 (i) stands for status ‘H’ for H.U.F. and ‘I’ for individuals (ii) for assessment year (iii) for net wealth returned (iv) for net wealth assessed (v) for tax payable and (vi) for tax paid.

1. Sh. Rajiv Kumar C/o M/S Kiran Cinema, Chandigarh (i) ‘I’ (ii) 1975-76 (iii) Rs. 8,20,550 (iv) Rs. 10,28,100 (v) Rs. 21124 (vi) Rs. 21124.

2. Sh. D. D. Puri, Yamunanagar (i) I (ii) 1975-76 (iii) Rs. 10,30,300 (iv) Rs. 10,30,300 (v) Rs. 20,395 (vi) Rs. 20,395.

3. Shakuntla Devi Jain 1./W of Sh. Nem Sagar Jain, Rewari (i) ‘I’ (ii) 1967-68 (iii) Rs. 9,88,200 (iv) Rs. 12,34,940 (v) Rs. 11278 (vi) Rs. 6956.

4. Sh. Girish Mohan Ganeriwala, Sirsa (i) ‘I’ (ii) 1970-71 (iii) Rs. 19,39,100 (iv) Rs. 21,39,620 (v) Rs. 36,189 (vi) Rs. 36,189.

5. Sh. Girish Mohan Ganeriwala, Sirsa (i) ‘I’ (ii) 1971-72 (iii) Rs. 20,82,980 (iv) Rs. 23,62,300 (v) Rs. 67,115 (vi) Rs. 67,115.

6. Sh. Girish Mohan Ganeriwala, Sirsa (i) ‘I’ (ii) 1972-73 (iii) Rs. 21,90,780 (iv) Rs. 25,95,670 (v) Rs. 117654 (vi) Rs. 117654.

7. Kulraj Bahadur Ramesh Kumar, Manimajra (i) ‘H’ (ii) 1976-77 (iii) Rs. 10,71,700 (iv) Rs. 10,71,700 (v) Rs. 22,868 (vi) Rs. 22,868.

8. Kulraj Bahadur Romesh Kumar, Manimajra (i) ‘H’ (ii) 1976-77 (iii) Rs. 11,47,206 (iv) Rs. 11,22,300 (v) Rs. 24,852 (vi) Rs. 24,852.

[F. No. 418(5)/77-78/HQ]

M. S. UNNINAYAR, Commissioner of Wealth Tax.

बाणीणत्व भ्रात्तात्व

आदेश

नई विस्तीर्ण, 24 मित्रावर, 1977

का० आ० 2861:—केन्द्रीय मरकार की गया है कि भारत के नियांत व्यापार के विकास के लिए नियांत (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वाल्वों को, नियांत में पूर्व, क्वालिटी नियंत्रण और निरीक्षण के अधीन करता आवश्यक नथा समीक्षान है,

और केन्द्रीय मरकार ने नीचे विनियिष्ट कनिष्ठ प्रस्ताव उक्त प्रयोजन के लिए लैयार किए हैं तथा उन्हें नियांत (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार नियांत निरीक्षण परिषद को भेज दिया है,

अतः अब, उक्त उपनियम के अनुसरण में केन्द्रीय मरकार उक्त प्रस्तावों को उन सभी लोगों की जातकारी के लिए प्रकाशित करती है जिनके उम्मे प्रभावित होने की सभावना है।

2 सूचना दी जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आक्षेप या सुझाव देना चाहे तो वह उन्हें इस प्रादेश के राजपत्र में प्रकाशन की जारीती से पैतालीम दिव के भीतर नियांत निरीक्षण परिषद, 'बल्ड ट्रेड सेन्टर', 14/1-बी, एंजरा स्ट्रीट, (प्राथमी मंजिल) कलकत्ता-700001 को भेज गक्का है।

प्रस्ताव

(1) यह अधिसूचित करता कि वाल्व नियांत में पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होते हैं।

(2) इस प्रादेश के उपार्बंध-1 में लिए गए, वाल्वों के नियांत (निरीक्षण) नियम, 1977 के प्रारूप के अनुसार निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनियिष्ट करना जो कि नियांत से पूर्व ऐसे वाल्वों को लागू होता है;

(3) निम्नलिखित को मान्यता देना:—

(क) भारतीय या कोई अन्य राष्ट्रीय या अन्तर्राष्ट्रीय मानक;

(ख) आयानकर्ता देश के मन्त्रालय या सरकारी विभागों या जन-उपायेय संस्थाओं द्वारा अनुमोदित मानक जो ऐसे वाल्वों के लिए संविदात्मक विनियोग के रूप में नियांत कर्ता द्वारा घोषित किए गए हैं;

(ग) नियांत कर्ता द्वारा संविदात्मक विनियोगों के रूप में घोषित विनियोग, जो बंड (क) तथा (ख) के अन्तर्गत नहीं प्राप्त, किन्तु ऐसे मानकों की परीक्षा तथा अनुमोदन के प्रयोजन के लिए नियांत निरीक्षण परिषद द्वारा नियूक्त विशेषज्ञों के पैनम द्वारा अनुमोदित किए गए हों;

ऐसे वाल्वों के लिए मानक विनियोगों के रूप में;

(4) अन्तर्राष्ट्रीय व्यापार के दौरान ऐसे वाल्वों के नियांत को तब तक प्रतियिष्ट करना जब तक कि उसके माध्यम से नियांत (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1963 (1963 का 22) की धारा 7 के अन्तर्गत स्थापित अभिकरणों में से किसी के द्वारा जारी किया गया इस आवश्यक का प्रमाणपत्र न हो कि वाल्वों का परेवण क्वालिटी नियंत्रण और निरीक्षण के संबंधित गतिशीलों को पूरा करना है तथा नियांत योग्य है, अथवा जब तक उन पर उक्त अभिकरण की धारा 8 के अन्तर्गत केन्द्रीय मरकार द्वारा मान्य चिन्ह या सील लगी हो।

(2) इस प्रादेश की कोई भी वात जल, धब्बा या आयु मार्ग द्वारा भावी जेताओं को वाल्वों के उन नमूनों के नियांत को लागू नहीं होती, जिनका मूल्य 500 रु. से अधिक न हो।

3. इस प्रादेश में 'वाल्वों' से ड्रेवों, गेसों या वाल्व के प्रवाह को नियंत्रित करने के लिए पाइप लाइनों में प्रयुक्त युक्ति अभिप्रेत है किन्तु इनमें घरेलू प्रयोजनों के लिए प्रयुक्त बिंब-टोटी तथा नल तथा दबाव नियंत्रक वाल्व मम्मिलित नहीं होते।

उपार्बंध—[

(नियांत क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने के लिए प्रस्तावित नियमों का प्रारूप)

1. मंजिल नाम—इन नियमों का संक्षिप्त नाम वाल्वों के नियांत (निरीक्षण) नियम, 1977 है।

2. परिभाषा—इन नियमों में, जब उक्त कि मंदर्भ में अन्यथा अपेक्षित न हो।

(क) 'अधिनियम' में नियांत (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 अभिप्रेत है;

(ख) 'अभिकरण' में अधिनियम की धारा 7 के अधीन मुख्य, कलकत्ता, कोचीन, दिल्ली तथा मद्रास में स्थापित अभिकरणों में से कोई अभिप्रेत है;

(ग) वाल्व में ड्रेवों, गेसों या वाल्व के प्रवाह को नियंत्रित करने के लिए पाइप-लाइनों में प्रयुक्त युक्ति अभिप्रेत है; किन्तु इनमें घरेलू प्रयोजनों के लिए प्रयुक्त बिंब-टोटी तथा दबाव नियंत्रक वाल्व मम्मिलित नहीं होते।

3. निरीक्षण का आधार—नियांत के लिए वाल्वों का सिरोक्षण यह देखते के विचार से किया जाएगा कि वाल्व अधिनियम की धारा 6 के अधीन केन्द्रीय मरकार द्वारा मान्य विनियोगों के अनुमति है, तथा नियांत संविदा में किसी भी विनियिष्ट अनुबंधों के अधाव में, इन नियमों में अनुबंध अनुसूची में वर्णित नमूना लेकर निरीक्षण करते एवं मानकों की प्रतुरूपना के मिट्टांत का पालन किया जाएगा।

4. निरीक्षण की प्रक्रिया—(1) (क) वाल्वों का नियांत करने का इच्छुक नियांत कर्ता अपना ऐसा करने के अपने आवश्यकी सूचना सिक्षित रूप में देना तथा ऐसी सूचना के साथ, नियांत संविदा में लिए गए विनियोगों की घोषणा, मधी मकानीकी विशेषताओं का विवरण देने हों, एक अभिकरण को देगा जिससे कि वह नियम 3 के अनुसरण में निरीक्षण कर सके, तथा वह उसी समय निरीक्षण के लिए अपनी उम सूचना की एक प्रतिलिपि अभिकरण कार्यालय के निकटान परिषद् कार्यालय को देंगा।

(ख) परिषद् के पाते इस प्रकार है—

मुख्य कार्यालय

नियांत निरीक्षण परिषद्
'बल्ड ट्रेड सेन्टर',
14/1-बी, एंजरा स्ट्रीट (प्राथमी मंजिल),
मंजिल कलकत्ता-700001

श्रेदीय कार्यालय

(1) नियांत निरीक्षण परिषद्,
अमन चैम्बर्स (पांचवी मंजिल),
113, महार्षि क्रौंक रोड,
मुख्य-4

(2) नियांत निरीक्षण परिषद्,
मनोहर बिल्डिंग, महात्मा गांधी रोड,
एनकुलम्, कोचीन-682011

(3) नियांत निरीक्षण परिषद्,
म्यूनिसिपल मार्केट बिल्डिंग (पांचवी मंजिल),
मरस्वामी मार्ग, करौल बाग, नई विल्ली-
110005

(2) उप-नियम (1) के अधीन प्रत्येक सूचना तथा घोषणा पोतासदान की अनुसूचित तारीख से कम से कम सात दिन पहले अभिकरण तथा परिषद् के कार्यालय पहुंच जानी चाहिए।

(3) उप-नियम (2) के अंतर्गत सूचना तथा घोषणा प्राप्त होने पर, अभिकरण नियम 3 तथा इस संबंध में परिषद् द्वारा जारी किए गए अनुबोधों के, यदि कोई हो, अनुसार बाल्वों का निरीक्षण करेगा।

(4) (क) निरीक्षण पूरा हो जाने के पश्चात् तुरन्त अभिकरण परेषण के वेब्जां को इस ढंग से सील बंद करेगा कि यह मुनिश्चित हो जाए कि सील बंद किए गए माल के माथ छेड़-छाड़ नहीं की जा सकती।

(ख) अस्थीकृति की वजा में, यदि नियान कर्ता चाहे तो परेषण को अभिकरण द्वारा सील नहीं किया जाएगा किन्तु ऐसे मामलों में नियान-कर्ता अस्थीकृति के विशद् अपील करने का हक्कावार नहीं होगा।

(5) जब अभिकरण का यह समाप्तान हो जाता है कि बाल्वों का परेषण नियम 3 की अपेक्षाओं को पूरा करता है तब वह निरीक्षण पूरा हो जाने के 3 दिन के भीतर, नियान कर्ता को यह घोषणा करते हुए, प्रमाणपत्र जारी करेगा कि परेषण नियान योग्य है।

परन्तु जहां अभिकरण का इस प्रकार का समाधान नहीं होता है वहां वह उन सीन दिन की अवधि के भीतर ऐसा प्रमाणपत्र देने से इकार कर देता तथा इस प्रकार इंकार किए जाने की सूचना उनके कारणों महित नियान कर्ता को देगा।

(6) अभिकरण द्वारा जब भी अपेक्षा की जाए, नियानकर्ता नियान किए जाने वाले परेषण में से बाल्वों के नमूने निःशुल्क देगा; किन्तु नमूने निरीक्षण एवं परीक्षण करने के पश्चात् अभिकरण द्वारा वापिस कर दिए जाएंगे।

5. निरीक्षण का स्थान—इन नियमों के प्रयोग के लिए बाल्वों का निरीक्षण—

(क) विनिर्दित के परिसर में, किया जाएगा, या
(ख) उन परिसरों में, जहां नियानकर्ता द्वारा माल प्रस्तुत किया जाता है, किया जाएगा,

परन्तु तभी जब कि वहां इस प्रयोग के लिए पर्याप्त सुविधाएँ विद्यमान हों।

6. निरीक्षण फीस—प्रति पर्येन्ट निःशुल्क मूल्य के 0.5 प्रतिशत की दर से फीस नियान कर्ता द्वारा अभिकरण को इन नियमों के अधीन निरीक्षण फीस के रूप में दी जाएगी किन्तु अपेक्षा परेषण के लिए यह फीस कम से कम एक भी रुपए होगी।

7. 'अपील'—(1) नियम 4 के उप-नियम (5) के अधीन प्रमाण-पत्र देने से अभिकरण द्वारा इंकार किए जाने से अधिन कोई व्यक्ति इस प्रकार इंकार किए जाने की सूचना के उसे प्राप्त होने से 10 दिन के भीतर, व्यक्तियों के विशेषज्ञ को अपील कर सकेगा जिसमें इस प्रयोग के लिए केन्द्रीय सरकार द्वारा कम से कम 3 तथा अधिक से अधिक मात्र अवक्षत किए जाएंगे।

(2) विशेषज्ञों के वैनल की कुल मरम्मता के दोनों तरफ सम्म गैर-सरकारी होंगे।

(3) वैनल की गणपूर्ति तीन की होगी।

(4) प्राप्त होने के 15 दिनों के भीतर अपील निष्ठा दी जाएगी।

अनुसूची

(नियम 3 देखिए)

नमूना सारणी

लॉट आकार

निरीक्षण तथा परीक्षण दोषों की के लिए, लिए गए अनुज्ञेय संख्या नमूनों की संख्या

(1)	(2)	(3)
15 तक	2	0
16 से 25	3	0
26 से 100	5	0
101 से 150	8	0
151 से 300	13	0
301 से 500	20	1
501 से 10000	32	2
1000 तथा अधिक	50	3

उपायंग—2

नियान (केलिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त अवक्षतों का प्रयोग करते हुए, केन्द्रीय सरकार यह द्वयोत्तम करने के प्रयोग के लिए बाल्वों के संबंध में भारतीय मानक संस्थान प्रमाणीकरण चिन्ह को मान्यता देने का प्रस्ताव करती है कि जहां बाल्वों पर ऐसे चिन्ह लगाए गए हैं वहां वे उक्त अधिनियम की धारा 6 के बंद (ग) के अधीन उस पर लागू होने वाले मानक विनिर्देश के प्रनुभ्य समझे जाएंगे।

परिभाषा—इस अधिसूचना में 'बाल्व' से ब्रव्ह्यों, गैरों या बाष्प के प्रवाह को नियंत्रित करने के लिए पाइप लाइनों में प्रयुक्त यूकित अभिप्रेत है, किन्तु इसमें घरेलू प्रयोजनों के लिए प्रयुक्त बिल्ड-टोटी तथा नल तथा दबाव नियंत्रित बाल्व मन्मिलिन सही किए जाएंगे।

[सं. 6(10)/75-नि.नि. तथा नि. उ.]
के० बी० बालभुद्धाण्यम्, उप निदेशक

MINISTRY OF COMMERCE ORDER

New Delhi, the 24th September, 1977

S.O. 2961.—Whereas the Central Government is of opinion that it is necessary and expedient so to do for the development of the Export Trade of India that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), valves should be subject to inspection prior to export;

And whereas the Central Government has formulated certain proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposals for information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within fortyfive days from the date of publication of this Order in the Official Gazette to the Export Inspection Council, 'World Trade Centre' (7th Floor), 14/1B, Ezra Street, Calcutta-700001.

PROPOSALS

(1) To notify that valves shall be subject to quality control and inspection prior to export;

(2) To specify the type of inspection in accordance with the draft Export of Valves (Inspection) Rules, 1977 set out in Annexure I to this Order as the type of quality control and Inspection which shall be applied to such valves prior to export;

(3) To recognise—

(a) the Indian or any other national or international standards;

(b) standards approved by a Ministry or Government Department or Public Utility Board of the importing country declared by the exporter as the contractual specification for such valves and;

(c) the specifications declared by the exporter as the contractual specifications which do not fall under clauses (a) and (b) but approved by a Panel of Experts appointed by the Export Inspection Council for the purpose of examining and approving such standards; as the standard specifications for such valves;

(4) To prohibit the export in the course of international trade of such valves unless the same are accompanied by a certificate issued by any of the Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of valves satisfy the condition relating to quality control and inspection and is exportworthy; or affixed with a seal or mark recognised by the Central Government under section 8 of the said Act.

2. Nothing in this order shall apply to the export by land, sea or air samples of valves to prospective buyers, the value of which does not exceed Rs. 500.

3. In this order "valves" shall mean a device used in pipe lines for regulating the flow of liquids, gases or steam but shall not include bib-cocks and taps used for domestic purposes and pressure regulating valves.

ANNEXURE I

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)

1. Short title.—These rules may be called the Export of Valves (Inspection) Rules, 1977.

2. Definitions.—In these rules, unless the context otherwise requires :—

(a) 'Act' means the Export (Quality Control and Inspection) Act, 1963;

(b) 'Agency' means any of the Agencies established at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act;

(c) 'Valves' shall mean a device used in pipe lines for regulating the flow of liquids, gases or steam; but shall not include bib-cocks and taps used for domestic purposes and pressure regulating valves.

3. Basis of Inspection.—Inspection of valves for export shall be carried out with a view to seeing that the valves conform to the standard specifications recognized by the Central Government under section 6 of the Act and in the absence of any specific stipulation in the export contract, the sampling and criteria of conformity mentioned in the Schedule annexed to these rules shall be followed.

4. Procedure of Inspection.—(1)(a) Any exporter intending to export valves shall give intimation in writing of his intention so to do and submit along with such intimation a declaration of the specifications stipulated in the export contract giving details of all the technical characteristics to any agency to enable it to carry out inspection in accordance with rule 3 and he shall at the same time endorse a copy of such intimation for inspection to the office of Council nearest to the office of the Agency.

(b) The addresses of the Council are as under :—

Head Office	Regional Office
Export Inspection Council, "World Trade Centre" 14/1B Ezra Street (7th Floor)	(1) Export Inspection Council Aman Chambers (4th Floor) 113, M. Karve Road, Bombay-4.
	(2) Export Inspection Council, Manohar Buildings Mahatma Gandhi Road, Ernakulam, Cochin-682011.
	(3) Export Inspection Council, Municipal Market Building (4th Floor) Saraswati Marg, Karol Bagh, New Delhi-110005

(2) Every intimation and declaration under sub-rule (1) shall reach the office of the Agency and the Council not less than seven days before the scheduled date of shipment.

(3) On receipt of the intimation and declaration under sub-rule (2) the Agency shall carry out the inspection of valves in accordance with rule 3 and the instructions, if any, issued by the Council in this regard.

(4) (a) After completion of inspection Agency shall immediately seal the packages in the consignment in a manner so as to ensure that the sealed goods cannot be tampered with.

(b) In case of rejection, if the exporter so desires, the consignment may not be sealed by the Agency; so however in such cases, the exporter shall not be entitled to prefer any appeal against the rejection.

(5) When the Agency is satisfied that the consignment of valves complies with the requirement of rule 3, it shall within three days of completion of inspection, issue a certificate to the exporter declaring that the consignment is exportworthy:

Provided that where the Agency is not so satisfied it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

(6) As and when required by the Agency, the exporter shall supply free of charge samples of valves from the export consignment, the samples shall, however, be returned by the Agency after necessary inspection and testing.

5. Place of inspection.—Inspection of valves for the purpose of these rules shall be carried out :—

(a) at the premises of the manufacturer,

or

(b) at the premises at which the valves are offered by the exporter provided adequate facilities for the purpose exist therein.

6. Inspection Fee.—Subject to a minimum of rupees one hundred for each consignment, a fee at the rate of 0.5 per cent of f.o.b. value, shall be paid by the exporter to the Agency as inspection fee under these rules.

7. "Appeal".—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (5) of rule 4, may, within ten days of the receipt of the communication of such refusal by him prefer an appeal to a Panel of Experts consisting of not less than three but not more than seven persons, appointed for the purpose by the Central Government.

(2) At least two third of the total membership of the Panel of Experts shall consist of non-officials.

(3) The quorum for the Panel shall be three.

(4) The appeal shall be disposed of within 15 days of its receipt.

THE SCHEDULE
(SEE RULE 3)
SAMPLING TABLE
LOT SIZE NUMBER OF SAMPLES TO BE PERMISSIBLE

DRAWN FOR INSPECTION AND TESTING	NUMBER OF DEFECTIVES
Upto 15	2
16 to 25	3
26 to 100	5
101 to 150	8
151 to 300	13
301 to 500	20
501 to 1000	32
1001 and above	50

ANNEXURE II

Whereas the Central Government in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), proposes to recognise the Indian Standards Institution Certification Mark with respect to valves for the purpose of denoting that where valves are affixed with such mark they shall be deemed to be in conformity with the standard specification applicable thereto under clause (c) of section 6 of the said Act;

Definition.—In this Notification "Valves" shall mean a device used in pipe lines for regulating the flow of liquid, gases or steam but shall not include bibcocks and taps used for domestic purposes and pressure regulating valves.

[No. 6(10)/75-EI&EP]

K. V. BALASUBRAMANIAM, Dy. Director

(संयुक्त भूल विवरण, आयात नियंत्रण का कार्यालय)

मद्रास, 30 मार्च, 1977

का० आ० 2962.—सर्वेश्वी मुरेण कुमार ए० 1/204 गोविन्दप्पा नायकन मट्टीट, मद्रास 1 को अप्रैल-मार्च 1977 की अवधि के लिए 2,00,000 रुपए मूल्य के सूखे कल का आयात करने के लिए लाइसेंस मंद्यापी०/ई०/0264203 दिनांक 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस भूल से जारी कर दिया गया है।

इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9(ए) के अधीन एक कारण बताओ सूचना संख्या जैसी/55/ईसीए/77 दिनांक 18-3-77 सर्वेश्वी मुरेण कुमार ए० को यह पूछते हुए जारी की गयी थी कि निर्दिष्ट समय के भीतर कारण बताएं कि उक्त लाइसेंस ऊपर उल्लिखित कारण की वजह से रद्द क्यों नहीं कर दिया जाए। उन्हें अपने मामले के लिए प्रतिवेदन करने के लिए व्यक्तिगत सुनवाई का अवसर भी दिया गया था। कारण बताओ नोटिस के जवाब में यसपि उन्होंने अपने वकील के माध्यम से दिनांक 21-3-77 को एक पत्र यह कहते हुए भेजा है कि लाइसेंस गारंजनिक सूचना के अनुसार ठीक जारी किया गया था, परन्तु उसके बाद 29-3-77 के पत्र में उन्होंने कारण बताओ नोटिस को न्वीकार किया और उन्होंने न तो उक्त लाइसेंस को वापिस करने के लिए या न ही व्यक्तिगत मुनवाई के लिए कहा थी और वे सरकार को परेशान करना नहीं चाहते थे।

पूर्वोक्त पैराग्राफ में जो कुछ बात गया है उसे ध्यान में रखते हुए, प्रधो-हस्ताक्षरी इस बात में मनुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए, या अन्यथा उप से अप्रभावी कर दिया जाना चाहिए।

इसलिए, समय समय पर यथासंशोधित आयात (नियंत्रण) आदेश 1955 को धारा 9 की उम्मीद पर द्वारा प्रदत्त अधिकारों का प्रयोग कर अधीक्षणाधारी फर्म के पक्ष में जारी किए गए पूर्वोक्त लाइसेंस को रद्द करना है।

[मध्या जैसी/55/ईसीए/77]

(Office of the Lt. Chief Controller of Imports and Exports)

ORDER

Madras, the 30th March, 1977

S.O. 2962.—M/s. Suresh Kumar S., 1/204, Govindappa Naicken St., Madras-1, were issued a licence No. P/E/0264203 dated 15-3-1977 for Rs. 2,00,000 for import of Dry Fruits for the period AM 77.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice No. JC/55/ECA/77 dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955 as amended from time to time, was issued to M/s. Suresh Kumar, S., asking them to show cause within a specified time as to why the said licence should not be cancelled for the reasons mentioned above. An opportunity for personal hearing was also given to represent their case. In reply to the show cause notice, though they have sent a letter dated 24-3-1977 through their Advocate stating that the licence has been issued correctly as per Public Notice, but in their subsequent letter dated 29-3-1977, they had appreciated the show cause notice and that they did not press for the restoration of the licence in question or a personal hearing and that they did not wish to embarrass the Government.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-Clause (a) of the clause 9 of the Imports (Control) Order, 1955, as amended from time to time, hereby cancel the licence mentioned above issued in favour of the above firm.

[File No. JC/55/ECA/77]

ग्राम्य

का० आ० 2963.—सर्वेश्वी फूल चन्द्र ए० जैन, 31, गोविन्दप्पा नायकन मट्टीट, मद्रास 1 का अप्रैल-मार्च 1977 की अवधि के लिए 2,00,000 रुपए मूल्य के सूखे कल का आयात करने के लिए लाइसेंस भूल ए०/ई०/0261205 दिनांक 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस भूल से जारी कर दिया गया है।

इसलिए, समय समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9(ए) के अधीन एक कारण बताओ सूचना संख्या जैसी/55/ईसीए/77 दिनांक 18-3-77 सर्वेश्वी फूल चन्द्र ए० जैन को यह पूछते हुए जारी की गयी थी कि निर्दिष्ट समय के भीतर कारण बताएं कि उक्त लाइसेंस ऊपर उल्लिखित कारण की वजह से रद्द क्यों नहीं कर दिया जाए। उन्हें अपने मामले के लिए प्रतिवेदन करने के लिए व्यक्तिगत सुनवाई का अवसर भी दिया गया था। कारण बताओ नोटिस के जवाब में यसपि उन्होंने अपने वकील के माध्यम से दिनांक 24-3-77 को एक पत्र यह कहते हुए भेजा है कि लाइसेंस गारंजनिक सूचना के अनुसार ठीक जारी किया गया था, परन्तु उसके बाद 29-3-77 के पत्र में उन्होंने कारण बताओ नोटिस को न्वीकार किया और उन्होंने न तो उक्त लाइसेंस को वापिस करने के लिए या न ही व्यक्तिगत मुनवाई के लिए कहा थी और वे सरकार को परेशान करना नहीं चाहते थे।

पूर्वोक्त पैराग्राफ में जो कुछ कहा गया है उसे ध्यान में रखते हुए, ग्रंथोहस्ताक्षरी इस बात से सन्तुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए या अन्यथा रूप से अप्रभावी कर दिया जाना चाहिए। इसलिए, समय समय पर यथासंशोधन आयात (नियंत्रण) आदेश 1955 की धारा 9 की उपधारा (ए) द्वारा प्रदत्त अधिकारों का प्रयोग कर अधोहस्ताक्षरी कर्म को जारी किए गए पूर्वोक्त लाइसेंस को एकदृष्टा रद्द करता है।

[संख्या जेसी/55/ईसीए/77]

ORDER

S.O. 2963.—M/s. Poolchand A. Jain, 31, Govindappa Naicken St., Madras-1, were issued a licence No. P/E/0264205 dated 15-3-1977 for Rs. 2 lakh for Import of Dry Fruits for the period AM 1977.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice No. JC/55/ECA/77 dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955 as amended from time to time, was issued to M/s. Poolchand A. Jain, asking them to show cause within a specified time as to why the said licence should not be cancelled for the reason mentioned above. An opportunity for personal hearing was also given to represent their case. In reply to show cause notice, though they have sent a letter dated 24-3-1977 through their Advocate stating that the licence has been issued correctly as per Public Notice but in their subsequent letter dated 29-3-1977, they had appreciated the show cause notice and that they did not press for the restoration of the licence in question or a personal hearing and that they did not wish to embarrass the Government.

Having regard to what has been stated in the preceding paragraphs the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-Clause (a) of the Clause 9 of the Imports (Control) Order, 1955, as amended from time to time, hereby cancel the licence mentioned above, issued in favour of the firm.

[File No. JC/55/ECA/77]

आदेश

कांग्रेस 2964.—सर्वेश्वी, श्री जगतमार्ज कं. 4 अम्बू नामकन स्टीट मद्रास-1 को अप्रैल-मार्च 1977 की अवधि के लिए 2,00,000 रुपए भूम्य के सूखे फल का आयात करने के लिए लाइसेंस लंब्या दी/ई/10264211, 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस भूल से जारी कर दिया गया है।

इसलिए, समय समय पर यथा संशोधित आयात (नियंत्रण) आदेश 1955 की धारा 9(ए) के अधीन विनांक 18-3-77 को सर्वेश्वी जगतमार्ज कं. को एक कारण बताओ नोटिस यह पूछते जारी किया गया था कि वे निर्दिष्ट समय के भीतर कारण बताएं कि उक्त लाइसेंस ऊपर उत्तिष्ठित कारण की वजह से रद्द क्यों न कर दिया जाए। उन्हें उसके मामले के लिए व्यक्तिगत सुनवाई का अवसर भी दिया गया था। परन्तु कर्म ने अपने पत्र विनांक 26-3-77 में यह कहा है कि उन्होंने लाइसेंस पहले ही सौप दिया था और यह कि 4-4-77 को व्यक्तिगत सुनवाई के लिए उपस्थित होने में उनकी हस्ती नहीं है और उन्होंने अपने आवेदन पत्र को निपटाने के लिए निवेदन किया था।

पूर्वोक्त पैराग्राफ में जो कुछ कहा गया है उसे ध्यान में रखते हुए, अधोहस्ताक्षरी इस बात से सन्तुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए या अन्यथा रूप से अप्रभावी कर दिया जाना चाहिए।

इसलिए समय-समय पर यथा संशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9 की उपधारा (ए) द्वारा प्रदत्त अधिकारों का प्रयोग कर अधोहस्ताक्षरी कर्म को जारी किए गए पूर्वोक्त लाइसेंस को एकदृष्टा रद्द करता है।

[मिसिल संख्या जेसी/55/ईसीए/77]

ORDER

S.O. 2964.—M/s. Sri Jagatamba Company, 4, Thabu Naicken St., Madras-1 were issued a licence No. P/E/0264211 dated 15-3-1977 for Rs. 2,00,000 for import of Dry Fruits for the period AM 1977.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955 as amended from time to time, was issued to M/s. Sri Jagatamba Co., asking them to show cause within a specified time as to why the said licence should not be cancelled for the reason mentioned above. An opportunity for personnel hearing was also given to represent their case. But the firm have stated in their letter dated 26-3-1977 that they have already handed over the licence and that they do not wish to avail personal hearing on 4-4-1977 and had requested for finalisation of their application.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-Clause (a) of Clause 9 of the Imports (Control) Order, 1955 as amended from time to time hereby cancel the licence mentioned above issued in favour of the above firm.

[File No. JC/55/ECA/77]

आदेश

कांग्रेस 2965.—सर्वेश्वी पुराण चमतकी, 10 कासी चेट्टी स्ट्रीट, मद्रास-1 को अप्रैल-मार्च 1977 की अवधि के लिए 2,00,000 रुपए भूम्य के सूखे फल का आयात करने के लिए लाइसेंस लंब्या दी/ई/0264212, विनांक 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस भूल से जारी कर दिया गया है।

इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश 1955 की धारा 9(ए) के अधीन विनांक 18-3-77 को सर्वेश्वी पुराण चमतकी, 10 कासी चेट्टी स्ट्रीट, मद्रास-1 को एक कारण बताओ नोटिस यह पूछते जारी किया गया था कि वे निर्दिष्ट समय के भीतर कारण बताएं कि उक्त लाइसेंस ऊपर उत्तिष्ठित कारण की वजह से रद्द क्यों न कर दिया जाए। उन्हें उसके मामले के लिए व्यक्तिगत सुनवाई का अवसर भी दिया गया था। परन्तु कर्म ने अपने पत्र विनांक 26-3-77 में यह कहा है कि उन्होंने लाइसेंस पहले ही सौप दिया था और यह कि 4-4-77 को व्यक्तिगत सुनवाई के लिए उपस्थित होने में उनकी हस्ती नहीं है और उन्होंने अपने आवेदन पत्र को निपटाने के लिए निवेदन किया था।

पूर्वोक्त पैराग्राफ में जो कुछ कहा गया है उसे ध्यान में रखते हुए, अधोहस्ताक्षरी इस बात से सन्तुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए या अन्यथा रूप से अप्रभावी कर दिया जाना चाहिए।

इसलिए समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9 की उपधारा (ए) द्वारा प्रदत्त अधिकारों का प्रयोग कर अधोहस्ताक्षरी कर्म को जारी किए गए पूर्वोक्त लाइसेंस को एकदृष्टा रद्द करता है।

[मिसिल संख्या जेसी/55/ईसीए/77]

ORDER

S.O. 2965.—M/s. Pukhraj Chamaji, 10, Kasi Chetty St, Madras-1, were issued a licence No. P/0264212 dated 15-3-1977 for Rs. 2,00,000 for import of Dry Fruits for the period AM 77.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955 as amended from time to time, was issued to M/s. Pukhraj Chamaji, asking them to show cause within a specified time as to why the said licence should not be cancelled for the reason mentioned above. An opportunity for personal hearing was also given to represent their case. But the firm have stated in their letter dated 26-3-1977 that they have already handed over the licence and that they do not wish to avail personal hearing on 4-4-1977 and had requested for finalisation of their application.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-Clause (a) of Clause 9 of the Imports (Control) Order, 1955 as amended from time to time, hereby cancel the licence mentioned above issued in favour of the above firm.

[File No. JC/55/ECA/77]

आदेश

का०आ० 2966—सर्वश्री, रेणुका एण्ड क०, कासी चेट्टी स्ट्रीट, मद्रास १ को अप्रैल-मार्च, 1977 की अपवधि के लिए 2,00,000 रुपए मूल्य के सूखे फल का आयात करने के लिए लाइसेंस संख्या पी/ई/0264213, दिनांक 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस भूल से जारी कर दिया गया है।

इसलिए, समय-समय पर यासंशोधित आयात (नियंत्रण) आवेदन, 1955 की धारा 9 (ए) के अधीन दिनांक 18-3-77 को सर्वश्री रेणुका एण्ड क० को एक कारण बताओ नोटिस यह प्रूचते जारी किया गया था कि वे निविष्ट समय के भीतर कारण बताएं कि उक्त लाइसेंस ऊपर उल्लिखित कारण की वजह से रद्द कर्यों न कर दिया जाए। उन्हें उनके मामले के लिए प्रतिवेदन करने के लिए व्यक्तिगत मुनवाई का अवमर भी दिया गया था। परन्तु फर्म से अपने पत्र दिनांक 26-3-77 में यह कहा है कि उन्होंने लाइसेंस पहले ही सोंप दिया था और यह कि 4-4-77 को व्यक्तिगत मुनवाई के लिए उपस्थित होने में उनकी रुचि नहीं है और उन्होंने अपने आवेदन पत्र को निपटाने के लिए मिवेदन किया था।

पूर्वोक्त पैराग्राफ में जो कुछ कहा गया है उसे ध्यान में रखते हुए, अधोहस्ताकारी इस बात से संतुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए था अन्यथा रूप से अप्रभावी कर दिया जाना चाहिए।

इसलिए समय-समय पर यथा संशोधित आयात (नियंत्रण) आवेदन 1955 की धारा 9 की उपधारा (ए) द्वारा प्रदत्त अधिकारों का प्रयोग कर अधोहस्ताकारी फर्म को जारी किए गए पूर्वोक्त लाइसेंस को एतद्वारा रद्द करता है।

[मिसिल संख्या जेसी/55/ईसीए/77]

ORDER

S.O. 2966.—M/s. Renuka & Co., 10, Kasi Chetty S., Madras-1, were issued a licence No. P/E/0264213 dated 15-3-1977 for Rs. 2,00,000 for import of Dry Fruits for the period AM 77.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955, as amended from time to time, was issued to M/s. Renuka & Co., asking them to show cause within a specified time as to why the said licence should not be cancelled for the reason mentioned above. An opportunity for personal hearing was also given to represent their case. But the firm have stated in their letter dated 26-3-1977 that they have already handed over the licence and that they do not wish to avail personal hearing on 4-4-1977 and had requested for finalisation of their case.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-Clause (a) of Clause 9 of the Imports (Control) Order, 1955 as amended from time to time, hereby cancel the licence mentioned above issued in favour of the above said firm.

[File No. JC/55/ECA/77]

आदेश

मद्रास, 31 मार्च, 1977

का०आ० 2967.—सर्वश्री, सकलचन्द ए० पोखाल 31, गोविन्दप्पा नायकन स्ट्रीट, मद्रास-1 को अप्रैल-मार्च 1977 की अपवधि के लिए 2,00,000 रुपए मूल्य के सूखे फल का आयात करने के लिए लाइसेंस संख्या पी/ई/0264208, दिनांक 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस भूल से जारी कर दिया गया है।

इसलिए, समय-समय पर यासंशोधित आयात (नियंत्रण) आवेदन, 1955 की धारा 9 (ए) के अधीन दिनांक 18-3-77 सर्वश्री सकलचन्द ए० पोखाल को यह प्रूचते हुए जारी की गयी थी कि निर्दिष्ट समय के भीतर कारण बताएं कि उक्त लाइसेंस ऊपर उल्लिखित कारण की वजह से रद्द कर्यों नहीं कर दिया जाए। उन्हें अपने मामले के लिए प्रतिवेदन करने के लिए व्यक्तिगत मुनवाई का प्रवासर भी दिया गया था कारण बताओ नोटिस के जवाब में यथापि उन्होंने अपने वकील के माध्यम से दिनांक 24-3-77 को एक पत्र यह कहते हुए भेजा है कि लाइसेंस सार्वजनिक सूचना के मनुसार ठीक जारी किया गया था, परन्तु उसके बाद 29-3-77 के पत्र में उन्होंने कारण बताओ नोटिस को स्वीकार किया है उन्होंने न तो उक्त लाइसेंस को वापिस करने के लिए या न ही व्यक्तिगत मुनवाई के लिए कहा और वे सरकार को परेशान करना नहीं चाहते थे।

पूर्वोक्त पैराग्राफ में जो कुछ कहा गया है उसे ध्यान में रखते हुए, अधोहस्ताकारी इस बात से संतुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए या अन्यथा रूप से अप्रभावी कर दिया जाना चाहिए। इस लिए, समय-समय पर अधासंशोधित आयात (नियंत्रण) आवेदन, 1955 की धारा 9 की उपधारा (ए) द्वारा प्रदत्त अधिकारों का प्रयोग कर अधोहस्ताकारी फर्म के पत्र में जारी किए गए पूर्वोक्त लाइसेंस का एतद्वारा रद्द करता है।

[मिसिल संख्या जेसी/55/ईसीए/77]

ORDER

Madras, the 31st March, 1977

S.O. 2967.—M/s. Sakalchand A. Porwal, 31, Govindappa Naicken St, Madras-1, were issued a licence No. P/E/0264208 dated 15-3-1977 for Rs. 2 lakhs for import of Dry Fruit for the period AM 77.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice No. JC/55/ECA/77 dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955 as amended from time to time, was issued to M/s. Sakalchand A. Porwal, asking them to show cause within a specified time as to why the said licence should not be cancelled for the reasons mentioned above. An opportu-

nity for personal hearing was also given to represent their case. In reply to the show cause notice, though they have sent a letter dated 24-3-1977 through their Advocate stating that the licence has been issued correctly as per Public Notice, but in their subsequent letter dated 29-3-1977, they had appreciated the show cause notice and that they did not press for the restoration of the licence in question or a personal hearing and that they did not wish to embarrass the Government.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-clause (a) of the clause 9 of the Imports (Control) Order, 1955, as amended from time to time, hereby cancel the licences mentioned above issued in favour of the above firm.

[File No. JC/55/ECA/77]

आदेश

का०आ० 2968—सर्वश्री, प्रकाश कुमार एम०, 31 गोविन्दप्पा नायकन स्ट्रीट, मद्रास-1 को अप्रैल-मार्च 1977 की अवधि के लिए 2,00,000 रुपये मूल्य के सूखे फल का आयात करने के लिए लाइसेंस संख्या पी/ई/0264207, दिनांक 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस भूल से जारी कर दिया गया है।

इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9 (ए) के अधीन एक कारण बनाओ सूचना संख्या जेसी/55/ई सी प/77, दिनांक 18-3-77 सर्वश्री प्रकाश कुमार एम० को यह पूछते हुए जारी की गयी थी कि निविष्ट समय के भीतर कारण बनाएँ कि उक्त लाइसेंस ऊपर उल्लिखित कारण की बजह से रद्द भयों नहीं कर दिया जाए। उन्होंने अपने मामले के लिए प्रतिवेदन करने के लिए व्यक्तिगत सुनवाई का प्रबंध भी दिया गया था। कारण बनाओ नोटिस के जबाब में व्यक्तिगत उहोंने अपने वकील के माध्यम से दिनांक 24-3-77 को एक पत्र यह कहा हुए भेजा है कि लाइसेंस मार्वर्जिनिक सूचना के प्रनुसार थीक जारी किया गया था, परन्तु उसके बाद 29-3-77 के पत्र में उहोंने कारण बनाओ नोटिस को स्वीकार किया है उहोंने न तो उक्त लाइसेंस को वापिस करने के लिए या न ही व्यक्तिगत सुनवाई के लिए कहा और वे संकार को परेशान करना नहीं चाहते थे।

पूर्वोक्त पैराग्राफ में जो कुछ कहा गया है उसे ध्यान में रखते हुए, अधोहस्ताक्षरी इस बात से संतुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए या अन्यथा रूप से प्रभ्रावी कर दिया जाना चाहिए। इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9 की उप-धारा (ए) द्वारा प्रदत्त अधिकारों का प्रयोग कर अधोहस्ताक्षरी कर्म के पक्ष में जारी किए गए पूर्वोक्त लाइसेंस को एन्ट्री-द्वारा रद्द करता है।

[मिमिस संख्या जेसी/55/ईसीप/77]

ORDER

S.O. 2968—M/s. Prakash Kumar S., 31, Govindappa Naicken St., Madras-1, were issued a licence No. P/E/0264207 dated 15-3-1977 for Rs. 2,00,000/- for import of Dry Fruits for the period A.M. 77.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice No. JC/55/ECA/77 dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955 as amended from time to time, was issued to M/s. Prakash Kumar S., asking them to show cause within a specified time as to why the said licence should not be cancelled for the reason mentioned above. An opportunity for personal hearing was also given to represent their case in reply to the show cause notice, though they have sent a

letter dated 24-3-1977 through their Advocate stating that the licence has been issued correctly as per Public Notice, but in their subsequent letter dated 29-3-1977, they had appreciated the show cause notice and that they did not press for the restoration of the licence in question or a personal hearing and that they did not wish to embarrass the Government.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-clause (a) of the Clause 9 of the Imports (Control) Order, 1955 as amended from time to time, hereby cancel the licence mentioned above, issued in favour of the firm.

[File No. JC/55/ECA/77]

आदेश

का०आ० 2968—सर्वश्री, शान्ति लाल ए० जैन, 1/204 गोविन्दप्पा नायकन स्ट्रीट, मद्रास-1 को अप्रैल-मार्च 1977 की अवधि के लिए 2,00,000 रुपये मूल्य के सूखे फल का आयात करने के लिए लाइसेंस संख्या पी/ई/0264206, दिनांक 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस मूल से जारी कर दिया गया है।

इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9(ए) के अधीन एक कारण बनाओ सूचना संख्या जेसी 55/ईसीप/77, दिनांक 18-3-77 सर्वश्री शान्ति लाल ए० जैन, को यह पूछते हुए जारी की गयी थी कि निविष्ट समय के भीतर कारण बनाएँ कि उक्त लाइसेंस ऊपर उल्लिखित कारण की बजह से रद्द क्यों नहीं कर दिया जाए। उन्होंने अपने मामले के लिए प्रतिवेदन करने के लिए व्यक्तिगत सुनवाई का प्रबंध भी दिया गया था। कारण बनाओ नोटिस में व्यक्तिगत उहोंने अपने वकील के माध्यम से दिनांक 24-3-77 को एक पत्र यह कहा हुए भेजा है कि लाइसेंस साबैजनिक सूचना के अनुसार थीक जारी किया गया था, परन्तु उसके बाद 29-3-77 के पत्र में उहोंने कारण बनाओ नोटिस को स्वीकार किया है उहोंने न तो उक्त लाइसेंस को वापिस करने के लिए या न ही व्यक्तिगत सुनवाई के लिए कहा और वे संकार को परेशान करना नहीं चाहते थे।

पूर्वोक्त पैराग्राफ में जो कुछ कहा गया है उसे ध्यान में रखते हुए, अधोहस्ताक्षरी इस बात से संतुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए या अन्यथा रूप से प्रभ्रावी कर दिया जाना चाहिए। इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9 की उप-धारा (ए) द्वारा प्रदत्त अधिकारों का प्रयोग कर अधोहस्ताक्षरी कर्म के पक्ष में जारी किए गए पूर्वोक्त लाइसेंस को एन्ट्री-द्वारा रद्द करता है।

[मिमिस संख्या जेसी/55/ईसीप/77]

ORDER

S.O. 2969—M/s. Shantilal A. Jain, 1/204 Govindappa Naicken Street, Madras-1, were issued a licence No. P/E/0264206 dated 15-3-1977 for Rs. 2,00,000/- for import of Dry Fruits for the period A.M. 77.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice No. JC/55/ECA/77 dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955 as amended from time to time, was issued to M/s. Shantilal A. Jain asking them to show cause within a specified time as to why the said licence should not be cancelled for the reason mentioned above. An opportunity for personal hearing was also given to represent their case. In reply to the show cause notice, though they have sent a letter dated 24-3-1977 through their Advocate stating that the licence has been issued correctly as per Public Notice,

but in their subsequent letter dated 29-3-1977, they had appreciated the show cause notice and that they did not press for the restoration of the licence in question or a personal hearing and that they did not wish to embarrass the Government.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-clause (a) of the Clause 9 of the Imports (Control) Order, 1955 as amended from time to time, hereby cancel the licence mentioned above, issued in favour of the above firm.

[File No. JC/55/ECA/77]

आदेश

का०आ० 2970.—मर्वंशी, प्रदीप कृष्णराम पी, 31, गोविन्दपा नायकन स्ट्रीट, मद्रास-1 को प्रैरैम-मार्च 1977 की प्रवधि के लिए 2,00,000 रुपये मूल्य के सूखे फल का आयात करने के लिए लाइसेंस मंज्या पी/ई/0264204, दिनांक 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस भूल से जारी कर दिया गया है।

इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9(ए) के अधीन एक कारण बनाओ सूचना मंज्या जेसी/55/ईसीए/77, दिनांक 18-3-77 मर्वंशी प्रदीप कृष्णराम पी० को यह प्रूछते हुए जारी की गयी थी कि नियिट ममय के भीतर कारण बताएँ कि उक्त लाइसेंस ऊपर उल्लिखित कारण की वजह से रद्द कर्त्ता नहीं कर दिया जाए। उन्हें अपने मामले के लिए प्रतिवेदन करने के लिए व्यक्तिगत मूल्याई का अवसर भी दिया गया था। कारण बताओ नोटिस के जवाब में पष्टि उन्होंने अपने वकील के माध्यम से दिनांक 24-3-77 को एक पत्र यह कहते हुए भेजा है कि लाइसेंस सार्वजनिक सूचना के अनुसार ठीक जारी किया गया था, परन्तु उसके बाद 29-3-77 के पत्र में उन्होंने कारण बनाओ नोटिस को स्वीकार किया और उन्होंने न तो उक्त लाइसेंस को धारित करने के लिए या न ही व्यक्तिगत मूल्याई के लिए कहा और वे सरकार को परेशान करना नहीं आहते थे।

पूर्वोक्त पैराग्राफ में जो कुछ कहा गया है उसे ध्यान में रखते हुए अधोलिखानकारी इस बात से सन्तुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए या अन्यथा रूप से अप्रभावी कर दिया जाना चाहिए। इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9 की उप-धारा(ए) द्वारा प्रवत्त अधिकारों का प्रयोग कर अधीक्षनाकारी फर्म के पश्च में जारी किए गए पूर्वोक्त लाइसेंस को एनडडारा रद्द करता है।

[मंज्या जेसी/55/ईसीए/77]

ORDER

S.O. 2970.—M/s. Pradeep Kumar, P., 31, Govindappa Naicken Street, Madras-1, were issued a licence No. P/E/0264204 dated 15-3-1977 for Rs. 2,00,000/- for Import of Dry Fruits for the period AM 77.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice No. JC/55/ECA/77 dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955 as amended from time to time, was issued to M/s. Pradeep Kumar P., asking them to show cause within a specified time as to why the said licence should not be cancelled for the reason mentioned above. An opportunity for personal hearing was also given to represent their case. In reply to the show cause notice, though they have sent a letter dated 24-3-1977 through their Advocate stating that the licence has been issued correctly as per Public Notice, but in their subsequent letter dated 29-3-1977, they had appreciated the show cause notice and that they did not press for the restoration of the licence in question or a personal hearing and that they did not wish to embarrass the Government.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the power vested in him under Sub-clause (a) of the Clause 9 of the Imports (Control) Order, 1955 as amended from time to time, hereby cancel the licence mentioned above, issued in favour of the above firm.

[File No. JC/55/ECA/77]

आदेश

का०आ० 2971.—मर्वंशी छानलाल ए० जैन, 1/204 गोविन्दपा नायकन स्ट्रीट, मद्रास 1 को प्रैरैम-मार्च 1977 की प्रवधि के लिए 2,00,000 रुपये मूल्य के सूखे फल का आयात करने के लिए लाइसेंस मंज्या पी/ई/0264206 दिनांक 15-3-77 प्रदान किया गया था।

यह देखा गया है कि पूर्वोक्त लाइसेंस भूल से जारी कर दिया गया है।

इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9(ए) के अधीन एक कारण बनाओ सूचना मंज्या जेसी/55/ईसीए/77 दिनांक 18-3-77 मर्वंशी छानलाल ए० जैन को यह पूछते हुए जारी की गयी थी कि नियिट ममय के भीतर कारण बनाएँ कि उक्त लाइसेंस ऊपर उल्लिखित कारण की वजह से रद्द कर्त्ता नहीं कर दिया जाए। उन्हें अपने मामले के लिए प्रतिवेदन करने के लिए व्यक्तिगत मूल्याई का अवसर भी दिया गया था। कारण बनाओ नोटिस के जवाब में पष्टि उन्होंने अपने वकील के माध्यम से दिनांक 24-3-77 को एक पत्र यह कहते हुए भेजा है कि लाइसेंस सार्वजनिक सूचना के अनुसार ठीक जारी किया गया था, परन्तु उसके बाद 29-3-77 के पत्र में उन्होंने कारण बनाओ नोटिस को स्वीकार किया और उन्होंने न तो उक्त लाइसेंस को धारित करने के लिए या न ही व्यक्तिगत मूल्याई के लिए कहा और वे सरकार को परेशान करना नहीं आहते थे।

पूर्वोक्त पैराग्राफ में जो कुछ कहा गया है उसे ध्यान में रखते हुए, अधोलिखानकारी इस बात से सन्तुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए या अन्यथा रूप से अप्रभावी कर दिया जाना चाहिए। इसलिए, समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 की धारा 9 की उप-धारा(ए) द्वारा प्रदान अधिकारों का प्रयोग कर अधीक्षनाकारी फर्म के पश्च में जारी किए गए पूर्वोक्त लाइसेंस को एनडडारा रद्द करता है।

[संक्षय : जेसी/55/ईसीए/77]

ORDER

S.O. 2971.—M/s. Chhaganlal A. Jain, 1/204, Govindappa Naicken St., Madras-1, were issued a licence No. P/E/0264209 dated 15-3-1977 for Rs. 2,00,000/- for import of Dry Fruits for the period AM 77.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice No. JC/55/ECA/77 dated 18-3-1977 under Clause 9(a) of the Import (Control) Order, 1955 as amended from time to time, was issued to M/s. Chhaganlal A. Jain, asking them to show cause within a specified time as to why the said licence should not be cancelled for the reason mentioned above. An opportunity for personal hearing was also given to represent their case. In reply to the show cause notice, though they have sent a letter dated 24-3-1977 through their Advocate stating that the licence has been issued correctly as per Public Notice, but in their subsequent letter dated 29-3-1977, they had appreciated the show cause notice and that they did not press for the restoration of the licence in question or a personal hearing and that they did not wish to embarrass the Government.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-clause (a) of the Clause 9 of the Imports (Control) Order, 1955 as amended from time to time, hereby cancel the licence mentioned above, issued in favour of the firm.

[File No. JC/55/ECA/77]

आदेश

क्रांति 2972.—मर्वार्शी, ग्राहोक कुमार, सी० 1/204 गोविन्दप्पा नायकन स्ट्रीट, मद्रास-१ को अप्रैल-मार्च 1977 की अवधि के लिए 2,00,000 रुपये मूल्य के सूची फल का आयात करने के लिए लाइसेंस संख्या पी/ई/0264210, दिनांक 15-३-७७ प्रदान किया गया था।

यह खेद्या गया है कि पूर्वोक्त लाइसेंस भूल में जारी कर दिया गया है।

इसलिए, समय-समय पर यथासंशोधित आयात (नियन्त्रण) आदेश, 1955 की घारा 9(ए) के अधीन एक कारण बताया गूचना संख्या जैसी 55/ईसीए/77, दिनांक 18-३-७७ मर्वार्शी ग्राहोक कुमार सी० को यह पूछते हुए जारी की गयी थी कि निदिष्ट समय के भीतर कारण बताये के लिए उक्त लाइसेंस उपर उल्लिखित कारण की वजह से रद्द क्यों नहीं कर दिया जाए। उन्हें अपने मामले के लिए प्रतिवेदन करने के लिए अधिकारी सुनवाई का अवसर अपनी दिया गया था कारण बतायों नोटिस के जबाब में यथापि उन्होंने अपने वकील के माध्यम से दिनांक 24-३-७७ को एक पत्र यह कहते हुए भेजा है कि लाइसेंस सार्वजनिक सूचना के अनुमार ठीक जारी किया गया था, परन्तु उसके बावे 29-३-७७ के पत्र में उन्होंने कारण बताया नोटिस को स्वीकार किया और उन्होंने न तो उक्त लाइसेंस को वापिस करने के लिए या न ही अधिकारी सुनवाई के लिए कहा और वे सरकार को परेशान करना नहीं चाहते थे।

पूर्वोक्त वैराग्राम में जो फुल कहा गया है उसे छान में रखते हुए, अधीक्षितकरी हस बात से मनुष्ट है कि उक्त लाइसेंस को रद्द कर दिया जाना चाहिए या अन्यथा रूप से प्रभ्रभावी कर दिया जाना चाहिए। इसलिए, समय-समय पर यथासंशोधित आयात (नियन्त्रण) आदेश, 1955 की घारा 9 की उप-घारा(ए) घारा प्रदल अधिकारी का प्रयोग कर अधीक्षितकरी फर्म के पक्ष में जारी किए गए पूर्वोक्त लाइसेंस को एतद्वारा रद्द करना है।

[संख्या जैसी/55/ईसीए/77]

ORDER

S.O. 2972.—M/s. Ashok Kumar, C., 1/204, Govindappa Naicken Street, Madras-1, were issued a licence No. P/E/0264210 dated 15-3-1977 for Rs. 2,00,000/- for Import of Dry Fruits for the period AM 77.

It has been noticed that the above licence has been issued inadvertently.

Therefore, a show cause notice No. JC/55/ECA/77 dated 18-3-1977 under Clause 9(a) of the Imports (Control) Order, 1955 as amended from time to time, was issued to M/s.

Ashok Kumar, C., asking them to show cause within a specified time as to why the said licence should not be cancelled for the reason mentioned above. An opportunity for personal hearing was also given to represent their case. In reply to the show cause notice, though they have sent a letter dated 24-3-1977 through their Advocate stating that the licence has been issued correctly as per Public Notice, but in their subsequent letter dated 29-3-1977, they had appreciated the show cause notice and they did not press for the restoration of the licence in question or a personal hearing and that they did not wish to embarrass the Government.

Having regard to what has been stated in the preceding paragraphs, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned in exercise of the powers vested in him under Sub-clause (a) of the Clause 9 of the Imports (Control) Order, 1955 as amended from time to time, hereby cancel the licence mentioned above, issued in favour of the above firm.

[File No. JC/55/ECA/77]

(लोहा एवं इस्पात विभाग)

आदेश

मद्रास, 20 जून, 1977

क्रांति 2973.—आदेश संख्या आई० एण्ड एम/टीपी/4/एमडी/76-77, दिनांक 5-10-76 के आधारक ग्राहोकधन में यह या निश्चय किया गया है कि निम्नलिखित 9 आयात लाइसेंसों को रद्द करके किरके से जारी किया जाए:—

दिनांक	क्र.	विवर
16-8-74	31,557/-	पी/एस /8230039/सी/एक्सएक्स/52/एम /39-40/05/24
15,778/-	2	पी /एस /8230040 /टी/ओआर /52/ एम/39-40/05/24
15,778/-	3	पी/एस /8230041 /आर/एमएल/52/ एम/39-40/05/24
29-3-76	31,556/-	पी/एस /8225808 /सी/एक्सएक्स/58/ एम/39-40/05/253
18,934/-	4	पी /एस /8225809/आर/एमएल/58/ एम/39-40/05/253
26-2-76	31,557/-	पी/एस/8565476 /सी/एक्सएक्स/58/ एम/41-42/05/28
18,933/-	5	पी /एस/8565477 /आर/एमएल/58/ एम/41-42/05/28
29-3-76	31,556/-	पी/एस/8225805 /सी/एक्सएक्स/58/ एम/41-42/05/28
18,934/-	6	पी /एस /8225806 /आर/एमएल/58/ एम/41-42/05/28

[संख्या लोहा एवं इस्पात/टी०पी०/4/एमडी/76-77]

के० एम० आर० मेनन, उप-मुख्य नियंत्रक

(Iron and Steel Division)

ORDER

Madras, the 20th June, 1977

S.O. 2973.—In partial modification of Order No. I & S/TP/4/MD/76-77 dt. 5-10-76, it has been decided to revoke the cancellation and reinstate the undermentioned nine import licences :

1. P/S/8230039/C/XX/52/M/39-40/05/24 dt. 16-8-74—Rs.31,557
2. P/S/8230040/T/OR/52/M/39-40/05/24 dt. 16-8-74—Rs. 15,778.
3. P/S/8230041/R/ML/52/M/39-40/05/24 dt. 16-8-74—Rs. 15,778
4. P/S/8225808/C/XX/58/M/39-40/05/253 dt. 29-3-76—Rs. 31,556.
5. P/S/8225809/R/ML/58/M/39-40/05/253 dt. 29-3-76—Rs. 18,934.
6. P/S/8565476/C/XX/58/M/41-42/05/28 dt. 26-2-76—Rs. 31,557.
7. P/S/8565477/R/ML/58/M/41-42/05/28 dt. 26-2-76—Rs. 18,933.
8. P/S/8225805/C/XX/58/M/41-42/05/28 dt. 29-3-76—Rs. 31,556.
9. P/S/8225806/R/ML/58/M/41-42/05/28 dt. 29-3-76—Rs. 18,934.

[No. I&S/TP/4/MD/76-77]
K. M. R. MNON, Dy. Chief Controller

नागरिक पूति तथा सहकारिता मंत्रालय

भारतीय मानक संस्था

नई विलेनी, 1977-09-01

क्रा०आ० 2974:—भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955 के विनियम, 7 के उपर्यन्ति (3) के अनुसार भारतीय मानक संस्था द्वारा प्रधिसूचित किया जाता है कि ठंडी रूपित कमानी बनाने के लिए इस्पात के तार की प्रति इकाई मुहर लगाने की फीस अनुसूची में दिए गए द्वयों के अनुसार निर्धारित की गई है और यह फीस 1977-07-01 से लागू होगी।

अनुसूची

क्रम संख्या उत्पाद/उत्पाद की श्रेणी	तत्स्वरूपी मानक की पदसंख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस	
(1)	(2)	(3)	(4)	(5)
1. ठंडी रूपित कमानी के लिए इस्पात के तार	IS : 4454 (भाग 1)-1975 ठंडी रूपित कमानी के लिए इस्पात के तार की विशिष्ट छटा भाग 1, पेटेन्ट्ड और ठंडी रूपित इस्पात के प्रमिश्रित तार (पहला पुनरीक्षण)	एक मीटरी टन	रु. 3.00	

[संख्या सी०ए०म०डी०/13 : 10]

MINISTRY OF CIVIL SUPPLIES AND CO-OPERATION

INDIAN STANDARDS INSTITUTION

New Delhi, the 1977-09-01

S.O. 2974.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby, notifies that the marking fee per unit for Steel wire for cold formed springs details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1977-07-01.

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1. Steel wire for cold formed springs	IS : 4454(Pt 1)—1975 Specification for steel wire for cold formed springs. Part I Patented and cold drawn steel wire-unalloyed (first revision)	One Tonne		Rs. 3.00

[No. CMD/13 : 10]

क्रा०आ० 2975:—समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) नियम, 1955 के नियम, 4 के उपर्यन्ति (1) के अनुसार भारतीय मानक संस्था द्वारा प्रधिसूचित किया जाता है कि संस्था ने एक मानक चिह्न निर्धारित किया है जिसकी डिजाइन शास्त्रिक विवरण तथा भारतीय मानक के शीर्षक सहित अनुसूची में दी गई है।

भारतीय मानक संस्था (प्रमाणन चिह्न) प्रधिनियम, 1952 और उसके अधीन बने नियमों के निमित्त यह मानक चिह्न 1977-07-01 से लागू होगी।

अनुसूची

क्रम संख्या	मानक चिह्न की डिजाइन	उत्पाद/उत्पाद की श्रेणी	तत्स्वरूपी भारतीय मानक की संख्या और शीर्षक	मानक की डिजाइन का शास्त्रिक विवरण
(1)	(2)	(3)	(4)	(5)
1.	IS : 4454	ठंडी रूपित कमानी के लिए इस्पात के तार	IS : 4454 (भाग 1)-1975 ठंडी रूपित कमानी के लिए इस्पात के तार की विशिष्ट छटा भाग 1, पेटेन्ट्ड और ठंडी रूपित इस्पात के प्रमिश्रित तार। (पहला पुनरीक्षण)	भारतीय मानक संस्था का मोनोग्राम जिसमें ISI शब्द होते हैं, तत्स्वरूप (2) में दिखाई गई शैली और अनुपात में सेवार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।

[संख्या सी०ए०म०डी०/13 : 9]

S. O. 2975.—In pursuance of sub-rule (1) of 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution, hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1977-07-01 :—

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark.
(1)	(2)	(3)	(4)	(5)
1		Steel wire for cold formed springs	IS : 4454(Pt. I)—1975 Specification for steel wire for cold formed springs Part I Patented and cold drawn steel wire-unalloyed. (first revision)	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being supercribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

नई दिल्ली, 1977-09-02

का० आ० 2976—यसस्य पर संगोष्ठित भारतीय मानक संस्था (प्रमाणन विभाग) विनियम 14 के उपविनियम (4) के प्रत्युत्तर भारतीय मानक संस्था द्वारा प्रतिसूचित किया जाता है कि लाइसेंस सं० सी०एम०/ए०-३२९१ जिसके ब्यौरे नीचे चिह्न दिए गए हैं, फार्म द्वारा ट्रेसिंग कपड़ा बनाना बन्द कर देने के कारण 1977-07-01 से रद्द कर दिया गया है।

अनुसूची

क्रमांक	लाइसेंस संस्था और तिथि	लाइसेंसदारी का नाम और पता	रद्द किए गए लाइसेंस के तत्कालीन भारतीय मानक प्रदीन वस्तु/प्रक्रिया	
(1)	(2)	(3)	(4)	(5)

1. सी०एम०/ए०-३२९१
1973-01-08

भोर इंडस्ट्रीज निं० भोर, जिला पूणे (काशी- ट्रेसिंग कपड़ा
लय : 386 भोर साथरकर मार्ग, बम्बई)

IS : 2037—1962 ट्रेसिंग
कपड़े की विशिष्टि

[सं० सी०एम०टी०/५५३२९१]

वाई० एम० वेंकटेश्वरन, अपर महा० निदेशक

New Delhi, Dated 1977-09-02

S.O. 2976.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards (Certification Marks), Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L—3271 particulars of which are given below has been cancelled with effect from 1977-07-01 as the firm has stopped production of the material :

Sl. No.	License No. and date	Name & Address of the Licensee	Article/Process Covered by the Licensees Cancelled	Relevant Indian Standards
(1)	(2)	(3)	(4)	(5)
1.	CM/L-3271 1973-01-08	Bhor Industries Ltd. Bhor, Distt. Poona (Office: 386 Veer Savarkar Marg, Bombay).	Tracing cloth	IS : 2037—1962 Specification for tracing cloth.

[No. CMD/55 : 3291]

Y. S. VENKATESWARAN, Addl. Director General

પેટ્રોલિયમ મંવાલય

નાઈ દિલ્લી, 1 ગિતસ્વર, 1977

કાં. આ. 2977.—યત: કેન્દ્રીય સરકાર કો યહ પ્રતીત હોતા હૈ કે લોકિતિ મેં યહ આવાયક હૈ કે ગૃહસરણ રાજ્ય મેં કૃપ નં. એમ૦ ડી. એક્સ્મ૦ સે. એમ૦ બી. એક્સ્મ૦ જી. એમ૦-૧ કો જોડને વાણી લાઇન તક પેટ્રોલિયમ કે પરિવહન કે લિયે પાછપ લાઇન તેલ તથા પ્રાકૃતિક ગૈસ આયોગ દ્વારા વિશ્વાસી જાની જાહેરે।

ઔર યત: યહ પ્રતીત હોતા હૈ કે એમી લાઇનો કો વિભાગે કે પ્રયોજન કે લિયે એન્ટાસાવદ અનુસૂચી મેં વર્ણિત ભૂમિ મેં ઉપયોગ કા અધિકાર અર્જિત કરુના આવાયક હૈ।

અનુષ્ઠાનિક: અથ પેટ્રોલિયમ ઔર બનિજ પાઠળાઇન (ભૂમિ મેં ઉપયોગ કે અધિકાર કા અર્જિન) અધિનિયમ, 1962 (1962 કા 50) કી ધારા 3 કી ઉપધારા (1) દ્વારા પ્રદાન ગુણીયોનું કા પ્રયોગ કરતે હુએ કેન્દ્રીય સરકાર ને ઉત્તરે ઉપયોગ કા અધિકાર અર્જિત કરતે કો અપના આશય એન્ટાસાવદ ઘોસ્થિત કિયા હૈ।

અનુષ્ઠાનિક: ઉત્તરે કો ઉત્તર ભૂમિ મેં હિતવઢ કોઈ અધિકાર, ઉત્તર ભૂમિ કે નોચે પાછપાઇન વિભાગે કે લિયે આંશેપ સખામ અધિકારી, તેલ સથા પ્રાકૃતિક ગૈસ આયોગ, નિર્મણ ઔર દેખભાલ પ્રભાગ, મકારપુરા રોડ બરોડા-9 કો ઇમ અધિસૂચના કી તારીખ મેં 21 દિનો કે ભૌતર કર શકેના।

ઔર એમા આંશેપ કરતે વાણી હર વ્યક્તિ વિનિવિષ્ટ: યદ્દું ભી કથન કરેણા કી ક્યા વધુ જાહેર હૈ કે ઉત્તરો મુનવાઈ અધિકાર: હો યા કિસી વિધિ અધ્યવસ્તાયી કી સાફ્ટન્ટ।

અનુસૂચી

કૃપ એમ૦ ડી. એક્સ્મ૦ સે. આર૦ એમ૦ એમ૦ બી. એક્સ્મ૦ જી. એમ૦-૧

તક જોડને વાણી લાઇન

રાજ્ય: ગુજરાત	જિલા-મેહસાના	તાલુકા: મેહસાના	સર્વેક્ષણ નં.	હેન્ટેયર	એપ્રારાઈ સેણ્ટી-યર
હેબુવા	111	0	0.3	48	
	80	0	0.8	64	
	81	0	0.3	84	

[સં. 12016/4/77-પ્રોફિશન]

MINISTRY OF PETROLEUM

New Delhi, the 1st September, 1977

S.O. 2977.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Well No. SDX to line connecting to SBF-GGS-I in Gujarat State pipelines should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara-9;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Acquisition of Right of User from Well NO. SDX to Line Connecting ROU SBF-GGS-I

State : Gujarat	District : Mehsana	Taluka : Mehsana	Village	Survey No.	Hec-tare	Acre	Centi-acre
			Hebuba	111	0	03	48
				80	0	08	64
				81	0	03	84

[No. 12016/4/77-Prod.]

નાઈ દિલ્લી, 7 સિતસ્વર, 1977

કાં. આ. 2978.—યત: પેટ્રોલિયમ પ્રૌર અનિજ પાઠળાઇન (ભૂમિ મેં ઉપયોગ કે અધિકાર કા અર્જિન) અધિનિયમ, 1962 (1962 કા 50) કી ધારા 3 કી ઉપધારા (1) દ્વારા પ્રદાન ગુણીયોનું કા પ્રયોગ કરતે હુએ કેન્દ્રીય સરકાર ને ઉત્તરે ઉપયોગ કા અધિકાર અર્જિત કરતે કો અપના આશય એન્ટાસાવદ ઘોસ્થિત કિયા હૈ।

ઔર આગે, યત: કેન્દ્રીય સરકાર ને ઉત્તર રિપોર્ટ પર વિચાર કરતે કે પસ્થાન્ત ઇમ અધિસૂચના સે સંલગ્ન અનુસૂચી મેં વિનિવિષ્ટ ભૂમિયો મેં ઉપયોગ કે અધિકાર કો પાછપ લાઇનોને કો વિભાગે કે પ્રયોજન કે લિયે અર્જિત કરતે કો અપના આશય ઘોસ્થિત કર દિયા થા।

ઔર યત: મધ્યમ પ્રાધિકારી ને ઉત્તર અધિનિયમ કી ધારા 6 કી ઉપધારા (1) કે અધીન સરકાર કો રિપોર્ટ દે શી હૈ।

ઔર આગે, યત: કેન્દ્રીય સરકાર ને ઉત્તર રિપોર્ટ પર વિચાર કરતે કે પસ્થાન્ત ઇમ અધિસૂચના સે સંલગ્ન અનુસૂચી મેં વિનિવિષ્ટ ઉત્તર ભૂમિયો મેં ઉપયોગ કા અધિકાર અર્જિત કરતે કો વિનિરચન કિયા હૈ।

અનુષ્ઠાનિક: ઉત્તર અધિનિયમ કી ધારા 6 કી ઉપધારા (1) દ્વારા પ્રદાન ગુણિત કા પ્રયોગ કરતે હુએ કેન્દ્રીય સરકાર એન્ટાસાવદ ઘોસ્થિત કરતો હૈ કે ઇમ અધિસૂચના સે સંલગ્ન અનુસૂચી મેં ઉપયોગ કા અધિકાર પાછપ લાઇન વિભાગે કે પ્રયોજન કે લિયે એન્ટાસાવદ અર્જિત કિયા જાય હૈ।

ઔર, આગે ઉત્તર ધારા કી ઉપધારા (1) દ્વારા પ્રદાન ગુણિત કા પ્રયોગ કરતે હુએ કેન્દ્રીય સરકાર એન્ટાસાવદ ઘોસ્થિત કરતો હૈ કે ઇમ અધિસૂચના સે સંલગ્ન અનુસૂચી મેં ઉપયોગ કા અધિકાર પાછપ લાઇન વિભાગે કે પ્રયોજન કે લિયે એન્ટાસાવદ અર્જિત કિયા જાય હૈ।

અનુસૂચી

અધિનિયમ કી ધારા 6 કી ઉપધારા (1) દ્વારા પ્રદાન ગુણિત કા પ્રયોગ કરતે હુએ કેન્દ્રીય સરકાર એન્ટાસાવદ ઘોસ્થિત કરતો હૈ કે અનુસૂચના કી લિયે

રાજ્ય: ગુજરાત	જિલા ઔર તાલુકા	મેહસાના	મર્યાદા	મર્યાદા	સેન્ટીયર
			2004/288	0	11
			2004/287	0	06
			2004/286	0	01
			2004/285	0	08
			2004/280	0	01
			2004/281/ફી	0	08
			2004/281/ફી	0	06
			2004/279	0	06

[સં. 12016/2/76-પણો એન્ટાસાવ]

New Delhi, the 7th September, 1977

S.O. 2978.—Whereas by a notification of the Government of India in the Ministry of Petroleum, S.O. 767 dated 15-2-77 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the Right of User in the lands specified in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And whereas the Competent Authority has under sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

For Laying Pipeline from D. S. SBD to D.S. SDO

State : Gujarat	District & Taluka : Mehsana			
	Village	Survey No.	Area	
		Hec-tare	Are	Centi-are
Mehsana	2004/288	0	11	40
	2004/287	0	06	60
	2004/286	0	01	00
	2004/285	0	08	64
	2004/280	0	01	00
	2004/281/P	0	08	40
	2004/281/P	0	06	84
	2004/279	0	06	00

[No. 12016/2/76-L & L]

का० आ० 2979.—यतः पेट्रोलियम और अनियम पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन संबंधित (पेट्रोलियम विभाग) की अधिमूलका का० आ० मं० 5147 वार्षिक 17-11-75 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन के विकास के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिमूलका गे संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवर्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त

भूमियों में उपयोग का अधिकार पाइप लाइन विकास के प्रयोजन के लिए अनुद्वारा अर्जित किया जाता है।

और, प्राप्त उम धारा की उपधारा (1) द्वारा पक्ष जनियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेव और प्राकृतिक रैम आयोग में सभी बन्धनों से मृत्त क्षय में इस घोषणा के प्रकाशन की इस तर्जावाले को निहित होगा।

अनुसूची

रुद्रसागर कृष्ण नम्बर 81 से रुद्रसागर जी० जी० एन० नम्बर 2 तक की पाइप लाइन

ग्राम	जिला : शिवामगर	तालुका : भेलगांव
रुपही बिल	मर्वनम्बर	कैशियर
	675 आ	0
	675 ग	0
	678 ब्र	0
	676 क	21
		94

[सं० 12020/4/75-एन० एन० एल०]

S.O. 2979.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 5147 dated 17-11-1975 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the Right of User in the lands specified in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from Rudrasagar well No. 81 to Rudrasagar GGS No. 2

State : Assam District : Sibsagar Taluk : Metekabon Gaon.

Village	Survey No.	Hec-tare	Are	Centi-are
Rupahibil	675 Cha	0	0	80
	675 Ga	0	4	18
	678 Kha	0	2	01
	676 Ka	0	21	94

[No. 12020/4/75-L & L]

पुष्टि-पत्र

का० आ० 2980.—पेट्रोलियम मंत्रालय, नई दिल्ली विनाक 16-12-1974, पेट्रोलियम और खनिज पाहा लाइन (भूमि के उपयोग का अर्जन), अधिनियम, 1962, जिला-अहमदाबाद।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 3 की उपधारा (1) और धारा 6 की उपधारा (1) के अन्तर्गत गुजरात राज्य के ज़िला अहमदाबाद में तालुका वीरमगम, गाव-शालसामन में कूप संख्या 36 से सी० टी० एक० से एन० के०-५३ तक भूमि के उपयोग का अधिकार, पाइपलाइन बिछाने के लिए पेट्रोलियम मंत्रालय, नई दिल्ली को कमरा अधिकृतना संख्या 12016/12/74-एल० एण्ड एल० विनाक 16-12-1974 तथा संख्या 12016/12/74-एल० एण्ड एल० विनाक 30-6-1975 के माध्यम संलग्न अनुसूची के स्थान पर अब से नीचे दी गई अनुसूची को पढ़ें।

पक्षे			के लिए				
क्षेत्रफल			अवलोकन				
सर्वेक्षण	हेक्टेयर	एकार्ड	सेन्टी-	सर्वेक्षण	हेक्टेयर	एकार्ड	सेन्टी-
सं०	यर		मी.	सं०	यर		मी.

[संख्या 12016/12/74-एल० एण्ड एल०]

ERRATUM

S.O. 2980.—Ministry of Petroleum, New Delhi, dated 16-12-74, Petroleum Pipelines (Acquisition of Right of Users in Land), Act, 1962, District—Ahmedabad.

In schedule appended to the Government Notification Ministry of Petroleum, New Delhi No. 12016/12/74-L&L dated 16-12-1974, issued under section 3(1) and Notification No. 12016/12/74-L&L dated 30-6-1965 issued under section 6(1) of Petroleum Pipelines Act, 1972, for the acquisition of right of user for laying pipeline from Well No. 36 to CTF to NK-53 in Gujarat State, District—Ahmedabad, Taluka—Viramgam, Village—Balsasan.

Read For

Area			Area		
Survey No.	Hec-tare	Are Centi-arc	Survey No.	Hec-tare	Are Centi-arc
250/1	0 03	12	250	0 03	12

[No. 12016/12/74-L&L]

नई दिल्ली, 8 सितम्बर, 1977

का० आ० 2981.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार ने पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिकृतना का० आ० सं० 5667 तारीख 28-11-75 द्वारा केन्द्रीय सरकार ने उम्मीदवाली से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

प्रोग्राम, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिष्कय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एन्डुक्टर घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एल्ट्राक्यांग अर्जित किया जाना है।

प्रोग्राम, यांग उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विनिविष्ट होने के बजाय तेल और प्राकृतिक गैस आयोग में सभी बन्धनों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निश्चित होगा।

अनुसूची

खंडमानगर कूप नम्बर 75 से खंडमानगर जी० जी० एम० नम्बर 3 तक की पाइपलाइन

राज्य : असम ज़िला : शिवसागर तालुका : भेतोका-बनगांव

ग्राम	मर्वे नम्बर	हेक्टेर	मी०	सेन्टी-मी०
1	2	3	4	5
जोलागांव	357	0	107	
	358	0	12	84
	359	0	1	07
	360	0	6	69
	330	0	4	01
	329	0	6	56
	415	0	5	08
	418	0	12	31
	462	0	13	38
	461	0	0	94
	464	0	8	03
	600	0	4	28

[मी० 12020/5/75-एल० एण्ड एल०]

दी० पी० मुख्यमन्त्री, अवर सचिव

New Delhi, the 8th September, 1977

S.O. 2981.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 5667 dated 28-11-1975 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the Right of User in the lands specified in the schedule appended to this notification;

Now therefore in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from RDS Well No. 75 to RDS GGS No.

State : Assam Dist. : Sibsagar Taluk : Meteka Bongaon.

Village	Survey No.	Hec-tare	Are	Centi-are
Jolagaon	357 Kha	0	0	107
	358 Kha	0	12	84
	359 Kha	0	1	07
	360 Kha	0	6	69
	330 Kha	0	4	01
	328 Kha	0	6	56
	415 Kha	0	5	08
	418 Ka	0	12	31
	462 Kha	0	13	38
	461 Kha	0	0	94
	464 Kha	0	8	03
	600 Kha	0	4	28

[No. 12020/5/75-L&L]

T. P. SUBRAHMANYAN, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई विल्ली, 5 मितम्बर, 1977

का० आ० 2982 :—यत् भारतीय नर्सिंग परिषद् अधिनियम, 1947 (1947 का 48) की धारा 10 की उपधारा (2) के अनुसरण में भारतीय नर्सिंग परिषद् ने 7 मितम्बर, 1976 को हुई एक बैठक में परित एक प्रसाच द्वारा यह घोषित किया है कि स्वास्थ्य सेवा निदेशक, केरल द्वारा जन स्वास्थ्य नर्सिंग में (ज्या० 1 अगस्त, 1961 से 23 अक्टूबर, 1971 के द्वारा प्रदान किया गया हो) प्रदान किया गया प्रमाण पत्र उक्त अधिनियम के प्रयोजनों के लिए एक मान्यता प्राप्त अर्हता होगी;

और यत् उक्त अधिनियम की धारा 15 की उपधारा (1) द्वारा यापोक्ति उसम प्रसाच को भारतीय नर्सिंग परिषद् की 27 जनवरी, 1977 की अधिसूचना संख्या 11-1-1976 आई० एन० सी० के साथ सरकारी राजपत्र में प्रकाशित कर दिया गया है;

अतः अब उक्त अधिनियम की धारा 15 की उपधारा (2) के अनुसरण में भारत सरकार उक्त अधिनियम की अनुसूची में एतद्वारा प्राप्त और संशोधन करती है ताकि इसे उक्त घोषणा के अनुरूप लाया जाए, अर्थात् :

उक्त अधिनियम की सूची के भाग 2 में यीर्ष मान्यता प्राप्त उच्चतर प्राप्तियां के अन्तर्गत प्रविष्टि 28 के बाद निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्—

“29 स्वास्थ्य सेवा निदेशक, केरल, जन स्वास्थ्य नर्सिंग में प्रमाणपत्र विवेचनम्” ज्या० 1 अगस्त, 1961
ओर 23 अक्टूबर, 1971 तक (दोनों तारीखें मिलाकर) की अवधि में प्रदान किया गया हो।

यह प्रसिद्धि स्वास्थ्य प्रोटो परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) द्वारा 23/25 मितम्बर, 1977 की अधिसूचना सं० की० 14015/3/77-प्र० पी० टी० का अधिकार प्रदान है।

[सं० की० 14015/3/77-प्र० पी० टी०, (पी० प्र० प्र०)]

प्रेम नाथ साधा, अवार मंत्रिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 5th September, 1977

S.O. 2982.—Whereas the Indian Nursing Council has, by a resolution passed at a meeting held on the 7th September, 1976, in pursuance of sub-section (2) of section 10 of the Indian Nursing Council Act, 1947 (48 of 1947) declared that the Certificate in Public Health Nursing granted by the Director of Health Services, Kerala (when granted between the 1st August, 1961 and 23rd October, 1971) shall be recognised as higher qualification for the purposes of the said Act;

And whereas the said resolution has been published in the Official Gazette with the notification of the Indian Nursing Council No. 11-1/76-INC, dated the 27th January, 1977, as required by sub-section (1) of section 15 of the said Act;

Now, therefore, in pursuance of sub-section (2) of section 15 of the said Act, the Central Government hereby makes the following further amendment in the Schedule to the said Act so as to bring it into accord with the said declaration, namely :—

“29. Director of Health Certificate in Public Health Nursing Services, Kerala, (when granted between the 1st August, 1961 and 23rd October, 1971) (both date included) /

This supercedes the Ministry of Health and Family Planning (Department of Health) notification No. V. 14015/3/77-MPT dated 23/25 April, 1977.

[No. V. 14015/3/77-MPT(PMS)]

कृषि और सिंचार्य मंत्रालय

(प्राप्त विकास विभाग)

नई विल्ली, 8 मितम्बर 77

का०आ० 2983.—नियमों का निम्नलिखित प्राप्त, जिसे केन्द्रीय सरकार, कृषि उपज (शेणीकरण और अंकन) अधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रबल शक्तियों का प्रयोग करने द्वारा बनाते की प्रस्थापना करती है, उक्त धारा की अपेक्षानुसार, उन मध्यी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है जिनका उसके द्वारा प्रभावित होना समाप्त है, और सूचना दी जाती है कि उक्त प्राप्त पर इस अधिसूचना के गतपत्र में प्रकाशन की तारीख में तीन मास और पन्द्रह दिन की अवधि की समाप्ति के पश्चात् विश्वार किया जायेगा।

उक्त प्राप्त की वापन किमी व्यक्ति में विनिरिट तारीख के पूर्व जो आक्षेप या सुकृत प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विवार किया जायेगा।

नियमों का प्राप्त

1. संक्षिप्त नाम और सागृ होना :—(1) इन नियमों का संक्षिप्त नाम अग्रर अगर (शेणीकरण शीर चिन्हांकन) नियम, 1977 है।

(2) ये भारत में उत्पादित अगर अगर को सागृ होंगे।

2. परिभाषाएः—इन नियमों में :

(i) 'कृषि विषय नियम सलाहकार' से भारत सरकार का कृषि विषय नियम सलाहकार प्रभित्रेन है;

(ii) 'अनुग्रही' से इन नियमों में गलवान अनुभवी विभिन्नत है।

३ श्रेणी अधिकारान्—ग्रन्थ अग्रर की कक्षान्कटी उद्दिश्य करने के लिए श्रेणी अधिकारान् वह द्वारा जो अनुसृती २ के सम्बन्ध । में किया गया है।

४. श्रेणी अभिधान-विकल्पः— (1) धूम थारू के लिए श्रेणी अभिधान विकल्प एक लेखिक होंगा जिसमें कृपि विवरण चलावशकार द्वारा मनमादिन श्रेणी विनिर्दिष्ट होंगी और जिस पर “एगमार्क” शब्द के साथ भाषण के मानविक की रूपरेखा और “भास्त्ररीय उत्पाद” शब्दों के साथ उल्लेख होंगे। श्रेणी का चिव होंगा तथा यह विकल्प पत्रमंडी- 1 में दिये गये चिह्न सदृश होगा।

(2) अगर अगर की दृष्टि में श्रेणी अभिधान-चिन्ह एक ऐसा डिजाइन भी हो सकता है, जिसमें प्राक्षिकार प्रमाणपत्र की भूम्या, और शब्द “प्रगतार्क” और कृपि विपणन गवाहकार डाग अनुमोदित “श्रेणी” होंगे।

5. अवालिटी की परिभाषा :- थ्रेणी अभिधान हारा उपदर्शित अवालिटी वह होगी जो अनन्तरी 2 के रनम 2 से 11 में दी गई है।

६ अंकत थी पद्धति ।—(१) थेणी प्रभिप्रान-चिह्न प्रथेक आधान पर, कृषि विपणन गलाहकार तारा अनुमोदित रीति में, मजबूती में चिप-काया या छापा जायेगा ।

(2) उपरोक्त अधिकार प्रत्येक आवान पर निम्नलिखित विवरितियां भी स्पष्टतः और इस प्रकार अंकित की जायेगी कि उन्हें मिटाया न जानके, अर्थात् :—

(क) एक फर्ने की तारीख, कोड नं. या मार्क अक्षरों में;

(अ) लाट संक्षया;

(ग) पैकर का नाम और पता,

(ग) पैक करने का स्थान;

(क) शहर भार ।

(3) प्राधिकृत पैशां, कुपि विपणन मलालकार का पूर्व अनुमोदन अभिप्राप्त करने के पश्चात्, कुपि विपणन मलालकार द्वारा अनुमोदित रीति में शाधान पर ग्राहना प्राइवेट व्यापार-क्रिक्केट अंतर्जल कर मर्केट, परन्तु यह तब जब प्राइवेट व्यापार क्रिक्केट इन गिरियों के अनुसार अधिक पर विपक्षाये गए, श्रेणी अभिवात-क्रिक्केट द्वारा उपदर्शित अग्र अग्र की फ्लाइटी या थोरी से भिन्न क्रान्तिकारी या श्रेणी दर्जन न करना हो ।

7. पैकिंग की पद्धति :—ग्राम ग्राम नाम, मज़बूत और स्वचहार प्लास्टिक आधान और गेये (फाइबर) से बड़ी झुई परताकार थैलियाँ, टीनों, पेपर-काटनों में ही, जिसके धन्दर कूपि विपणन मताहकार द्वारा अनुमोदित आकार एवं प्रकार की गोलियाँ हों, पैक किया जायेगा। आधान को अच्छी तरह भरा जायेगा, जिसमें कि अन्तर्बंस्तुओं के संदृष्टण को रोका जा सके, और कूपि विपणन मताहकार द्वारा अनुमोदित गीति से मार्गती से बनव कर दिया जायेगा।

8. प्राधिकार प्रमाणपत्र की विशेष घटें—भावारण थेनीकारण और अंकत नियम, 1937 के नियम 4 में विनिर्दिष्ट घटों के अनिवार्य, प्रत्येकी 3 में दी गई घटों का भी, कुप्रिय विधेयन भवाहकार के समाधानप्रद रूप में, प्राधिकार प्रमाण-नन्द के प्रत्येक धारक द्वारा पालन किया जायेगा।

अमृसंची- I

अगर इगर का शेणी अभिषाल-चिह्न

[नियम ४(१) देखिए]

शब्द “प्रग्माक” के साथ भारत का मानविक और “भारतीय उत्पाद” शब्दों के साथ “उत्तरा हुप्रा” मूर्य।

अनसची- 2

अगर अगर को व्यालिटी का शेणो-अधिकान और परिमापा

[नियम ३ श्री ८ ५ देविका]

व्यालिटी की विशिष्टियाँ

विशेष संशोध

ध्रेणी अभिधान	जल अवशोषण	गांव तुल भस्म अद्वाल में अविनेय जिलेटिन	स्टार्क और वेन्टोन	आजिनिक सीमा (Pb. साधारण लक्षण जैसे (as) के रूप मिलो- में) ग्राम, मिलो- किलो- ग्राम, ग्राम किलो- प्रथिक- ग्राम, तम प्रथिक- तम ग्राम- तम
		धरेत तक का भार अविनेय पदार्थ		
		103 के अनु- भस्म का का भार		
		से १० पर सार भार के अनु-		
		सुखाने प्रतिशत के अनु- गार		
		पर भार अधिक- भार प्रतिशत		
		के अनु- नम प्रतिशत अधिक-		
		भार अधिक- नम		
		नहाई पर्मि-		
		ग्रेना		
		अधिक-		
		तम		

१	२	३	४	५	६	७	८	९	१०	११
माध्यरेण चार गुना	इसके पार का	२०	६,५	१,०	१,०	अनुगमित	अनुगमित	३०	१०	प्रारंभिक, गोपनीकित वर्ग का लाव कार्ड में निराशित (नुचापा हृपा) शूइडीफ्रॉन्टक सो वाइटान गालांगेली लालाइड होगा जैसे गैचीडाका त्रांत प्रारंभिक वर्ग में रिया जाति। यह पर्यावरणीय क्षेत्रों के बड़े

1	2	3	4	5	6	7	8	9	10	11
										या को दूर पार्श्वशर, दाने-दार, या चूर्ण स्त्रा में वर्णित जियक स्त्रा में उत्तम्य होगा। यह रंग में सकेत में लिफर फारा पाला तक होगा। यह या तो यंगहान होगा या इमर्को हर्को सी अधिक गंध होगी और छेष्यकीय स्त्राद यज्ञ होगा। अगर अगर यह अल से ग्रविलेय द्वारा किन्तु उत्तरत जल में दर्शक होगा।

अनुसूची-3

प्राधिकार प्रबाण-पत्र की विशेष शर्तें

[नियम 8 देखिए]

- (i) प्राधिकृत पैकर को प्रसम्परण, भंडारकरण और पैक करने के दौरान अगर अगर के किसी संदृष्टि को दूर करने के लिए सभी सावधानिया बरतनी होगी।
- (ii) प्राधिकृत पैकर अगर अगर के परीक्षण के लिए ऐसी व्यवस्था करेगा जैसी कृषि विषयन सलाहकार द्वारा समय-समय पर विहित की जाये। वह नमूनों के विषयव्यवस्था का समृच्छ अधिकारी भी नहोगा।
- (iii) नमूने लेने, विषयव्यवस्था करने, सील करने और आधानों को चिह्नित करने और अधिकारी आदि को रखने की पद्धतियों के संबंध में ऐसे सभी अनुदेशों का, मल्टी से पालन किया जायेगा जो कृषि विषयन सलाहकार द्वारा समय-समय पर जारी किये जायें।
- (iv) कृषि विषयन सलाहकार द्वारा विहित रीति से प्रत्येक लाट में से निश्चय गया अगर अगर का नमूना उस नियंत्रण प्रयोगशाला को भेजा जायेगा जिसे समय-समय पर निर्वाचित दिया जायें।
- (v) प्रत्येक आधान को बैंकल एक लाट के अगर अगर से भरा जायेगा।
- (vi) प्राधिकृत पैकर ऐसी सभी सुविधायें प्रदान करेगा जो हम निमित्त कृषि विषयन सलाहकार द्वारा सम्पर्क रूप से प्राधिकृत निरीक्षण अधिकारी के लिए आवश्यक हों।

[मं. 1.3-1/75-प्र०ग्र०]

MINISTRY OF AGRICULTURE AND IRRIGATION
(Department of Rural Development)

New Delhi, the 8th September, 1977

S.O. 2983.—The following draft of which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published, as required by the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after the expiry of a period of three months and fifteen days from the date of publication of this notification in the Official Gazette.

Any objection or suggestion which may be received from any person with respect to the said draft before the period so specified, will be considered by the Central Government.

DRAFT RULES

1. Short title and application.—(1) These rules may be called Agar Agar (Grading and Marking) Rules, 1977.
- (2) They shall apply to Agar Agar produced in India.
2. Definitions.—In these rules,—
 - (i) "Agricultural Marketing Adviser" means the Agri-

cultural Marketing Adviser to the Government of India;

(ii) "Schedule" means a Schedule appended to these rules.

3. Grade designation.—The grade designation to indicate the quality of Agar Agar shall be as set out in column 1 of Schedule II.

4. Grade designation mark.—(1) The grade designation mark for Agar Agar shall consist of a label specifying the Grade approved by the Agricultural Marketing Adviser and bearing the design consisting of an outline map of India with the word 'Agmark' and figure of rising sun with the words 'Produce of India' and resembling the mark set out in Schedule-I.

(2) The grade designation mark in case of Agar Agar may also consist of a design incorporating the number of Certificate of Authorisation, the word "Agmark" and the 'Grade' approved by the Agricultural Marketing Adviser.

5. Definition of quality.—The quality indicated by grade designation shall be as set out in columns 2 to 11 of Schedule-II.

6. Method of marking.—(1) The grade designation mark shall be securely affixed to or printed on each container in a manner approved by the Agricultural Marketing Adviser.

(2) In addition to the above, the following particulars shall also be clearly and indelibly marked on each container, namely:—

- (a) date of packing in code or plain letters;
- (b) lot No.
- (c) name and address of packer;
- (d) place of packing;
- (e) net weight.

(3) An authorised packer may after obtaining the previous approval of the Agricultural Marketing Adviser, mark his private trade mark on a container, in a manner approved by the Agricultural Marketing Adviser, provided that the private trade mark does not represent quality or grade of Agar Agar different from that indicated by grade designation mark affixed on the container in accordance with these rules.

7. Method of packing.—Agar Agar shall be packed in only new, sound and clean plastic container and fibre woven liminated bags, tins, paper carton with polythene bag inside of type and size approved by the Agricultural Marketing Adviser. The container shall be well filled so as to preclude contamination of contents and securely closed in a manner approved by the Agricultural Marketing Adviser.

8. Special conditions of Certificate of Authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the conditions as set out in Schedule III shall also be observed by every holder of Certificate of Authorization to the satisfaction of the Agricultural Marketing Adviser.

SCHEDULE-I

Grade Designation Mark of Agar Agar

[See rule 4(1)]

MAP OF INDIA WITH WORD 'AGMARK' AND 'RISING' SUN WITH WORDS 'PRODUCE OF INDIA'.

SCHEDULE-II

Grade designation and definition of quality of Agar Agar

[See rules 3 and 5]

PARTICULARS OF QUALITY

SPECIAL CHARACTERISTICS

Grade designation	Water absorption	Moisture percent	Total ash percent by weight	Insoluble ash percent by weight at 105° C. maximum for five hours	Acid insoluble ash percent by weight maximum	Gelatin and starch	Arsenic and (as As) milligram, kilogram	Lead (as Pb) milligram, kilogram	General Characteristics	
1	2	3	4	5	6	7	8	9	10	11
General	4 times of its weight	20	6.5	1.0	1.0	absent	absent	3.0	10	Agar Agar shall be dried hydrophilic, colloidal polygalatoside extracted from red algae of class Rhodophyceae, such as Gelidiella species and Gracilaria species. It shall be commercially available in bundles consisting of thin membranous strips or in cut, flaked, granulated or powder form. It shall be white to pale yellow in colour. It shall be either odourless or having a slight characteristic odour and a mucilaginous taste. Agar Agar shall be insoluble in cold water but soluble in boiling water.

SCHEDULE-III

Special Conditions of Certificate of Authorisation

[See Rule]

(i) An authorised packer shall take all precautions to avoid any contamination of Agar Agar during processing, storage and packing.

(ii) An authorised packer shall make such arrangement for testing of Agar Agar as may be prescribed from time to time by the Agricultural Marketing Adviser. He shall also maintain proper records of analysis of samples.

(iii) All instructions regarding methods of sampling, analysis, sealing and marking of containers and maintenance of records etc., which may be issued from time to time by the Agricultural Marketing Adviser shall be strictly observed.

(iv) A sample of Agar Agar drawn in a manner prescribed by the Agricultural Marketing Adviser from each lot shall be forwarded to such control laboratory as may be directed from time to time.

(v) Each container shall be filled with Agar Agar from the same lot only.

(vi) An authorised packer shall provide all facilities as may be necessary to the Inspecting officer, duly authorised by the Agricultural Marketing Adviser in this behalf.

[No. 13-4/75-AM]

कांस्ट्रॉक्ट 2984.—केन्द्रीय सरकार, रुपी उपज (अणीकरण और चिन्हांकन) अधिनियम 1937 (1937का 1) की धारा 3 द्वारा प्रदत्त नियमों का प्रयोग करने द्वा, उन अणीकरण और चिन्हांकन नियम 1975 में और संशोधन करना चाहती है। जैसा कि उक्त धारा में प्रवेशित है, प्रस्तावित संशोधनों का निम्नलिखित प्रारूप उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जा रहा है जिनके उससे प्रभावित होने की संभावना है। इसके द्वारा सूचना दी जाती है कि उक्त प्रारूप पर इस अधिकृतता के राजपत्र में प्रकाशन की तारीख से पैतालीस दिन की प्रतिधि की समाप्ति के पश्चात् विकार किया जायेगा।

अपर विनियिट व्रति की समाप्ति से पूर्व नियमों के उक्त प्रारूप की आवत जो भी आक्षेप या मूलाद किसी व्यक्ति से प्राप्त होंगे केन्द्रीय सरकार उन पर विकार करेगी।

विषयों का प्रारूप

1. इन नियमों का नाम उन श्रेणीकरण और चिन्हाकान (संशोधन) नियम, 1977 है।

2. उन श्रेणीकरण और चिन्हाकान नियम, 1975 में।

(1) नियम 4 में, उपनियम (2) में।

(क) खण्ड (1) और (9) में "बनस्पति रेण" शब्दों के पश्चात् "या कृत्रिम रेण या क्षतिप्रस्तु अत उदाहरणतया शान्तयस्त, जर्मी उन प्राप्ति।" शब्द रखें जायेंगे;

(ख) खण्ड (10) में, "पशु" शब्द में पूर्व "श्रव्य" शब्द अन्त स्थापित किया जायेगा;

(2) नियम 14 के पश्चात् निम्नलिखित नियम अन्तस्थापित किया जायेगा, अर्थात् :--

"14क. अभिभासित उन के साटों की दशा में, एगमार्क श्रेणीकरण प्रमाणपत्र के परिणामित के रूप में एक प्रतिबन्धी प्रमाणपत्र, कृषि विषयन सलाहकार, भारत सरकार या इस निमित्त उनके द्वारा प्राधिकृत अधिकारी द्वारा जारी किया जायेगा।"

(3) नियम 15 के स्थान पर निम्नलिखित नियम रखा जायेगा, अर्थात् :--

"15 प्राधिकरण की विशेष गति :--

1. एक साट में केवल एक श्रेणी की ही उन वेक की जायेगी।

2. इन नियमों के प्रयोगनों के लिए जारी किये गये प्रत्येक प्राधिकृत पत्र की गति निम्नलिखित होगी, अर्थात् :--

(क) उन व्यापारियों के परिमार तथा गाठ दात-वंत्र माफ और सुधरे होने वाहिये और उसमें उन माफ करने, उसकी छांटाई करने, गाठ बनाने, तोलने, भण्डारकरण, सरकारी निरीक्षण तथा चिन्हन हेतु पर्याप्त स्थान तथा मुविधायें होंगी।

(ख) नमूना लेने की पद्धति, परीक्षण, चिन्हन और दाव से पहले तथा बाव में उन कि निरीक्षण और उनके अभिलेख रखने के बारे में, कृषि विषयन सलाहकार, भारत सरकार द्वारा गमय-समय पर जारी किये गये सभी अनुदेशों का सभी सम्बद्ध अधिनियमों द्वारा पूरी तरह पालन किया जाए।

(ग) श्रेणी अभिभास चिन्ह केवल प्राधिकृत पत्र में उल्लिखित वस्तुओं और उसमें उल्लिखित परिसरों को साझा होंगे :--

(घ) प्राधिकारपत्र के प्रवर्तन के दौरान, उसका धारक, सभी युक्तियुक्त समर्थों पर, उसमें नामित परिसरों में, कृषि विषयन सलाहकार, भारत सरकार या केन्द्रीय सरकार द्वारा सम्यक्त प्राधिकृत किसी भी व्यक्ति को आने देगा और उसको वह अभिनिश्चित करने के लिये मुविधायें देगा कि चिन्हन मही किया जा रहा है।

(इ) प्राधिकारपत्र का धारक, प्रत्येक श्रेणी अभिभास से चिन्हित वेकरों की संख्या अभिलेख रखेगा कृषि विषयन सलाहकार, भारत सरकार या केन्द्रीय सरकार द्वारा सम्यक्त प्राधिकृत किसी व्यक्ति को अभिलेखों की परिक्षा करने देगा।

(ज) प्राधिकारपत्र का धारक, कृषि विषयन सलाहकार, भारत सरकार या केन्द्रीय सरकार द्वारा सम्यक्त प्राधिकृत किसी व्यक्ति को किसी श्रेणीकृत अपज का नमूना लेने और श्रेणी अभिभास चिन्ह बांने किसी पेकेट का निरीक्षण करने देगा परन्तु यह तब जब कि सभी नमूनों के दाम वे विधे गये हों।

(झ) कृषि विषयन सलाहकार, भारत सरकार या केन्द्रीय सरकार द्वारा निमित्त प्राधिकृत कोई व्यक्ति किसी श्रेणीकृत अपज से श्रेणी अभिभास चिन्ह को रद्द कर सकता है यदि उस व्यक्ति द्वारा

वह अपज, उस वस्तु के लिए विहित क्वालिटी की परिभासा के अनुसार न पाई जाए।

परन्तु जब भी वितरणों की न कि प्राधिकृत पैकर की श्रेणीकृत उपज में श्रेणी अभिभास चिन्ह हटाया जाए तब प्राधिकृत पैकर, जब उसे कृषि विषयन सलाहकार भारत सरकार द्वारा बैमा निर्देश दिया जाए तब वितरक को, श्रेणी अभिभास चिन्ह के हटाए जाने के परिणामस्वरूप हुई शानि पूरी करेगा, और यह हानि उस अतिरिक्त मूल्य के प्राधार पर प्रावक्षिप्त की जायेगी जो उचित नौर पर श्रेणीकृत उपज में, श्रेणीकृत उत्पाद की तस्मय मात्रा के बालू बाजार मूल्य से ऊपर अभिप्राप्त हुआ होता।

(ज) कृषि अपज (श्रेणीकरण और चिन्हन) अधिनियम 1437 के अन्तर्गत बनाए गए सभी नियमों (और कृषि विषयन सलाहकार, भारत सरकार द्वारा, समय-समय पर जारी किए गए नमूना—शब्द, विशेषण, सावधिक विवरणियां प्रस्तुत करने प्राप्ति से संबंधित मर्भ अनुदेशों) का पालन किया जाएगा;

(म) कोई भी प्राधिकार-पत्र, कृषि विषयन सलाहकार, भारत सरकार या केन्द्रीय सरकार द्वारा इस निमित्त प्राधिकृत किसी अन्य व्यक्ति द्वारा रद्द, प्रतिसंहित, उपास्तरित या निर्वाचित किया जा सकता है, परन्तु प्राधिकार-पत्र धारक को, प्राधिकार पत्र में कथित पते पर 14 दिन पूर्व विविध रूप में सूचना दी जाएगी और उसे यह हेतु दर्शन करने का अवसर दिया जाएगा कि उसका प्राधिकार-पत्र रद्द, प्रतिसंहित अपास्तरित या निर्वाचित क्षयों न कर दिया जाए।

(न) कोई भी प्राधिकार-पत्र धारक, कृषि विषयन सलाहकार, भारत सरकार की लिखित महसूल में, अपने कारबाह के कागज पत्रों और सूची पत्रों पर एगमार्क डिज्वाइन की प्रतिकृति का उपयोग कर सकता है।

(ट) श्रेणीकृत अपज को विहित रीति से चिन्हित करने के लिए अपेक्षित कोई स्टैमिल, रबड़ की मोहर, पंच मणीन या अन्य औजार अवधार लेवल केवल कृषि विषयन सलाहकार, भारत सरकार, या उसके द्वारा प्राधिकृत किसी व्यक्ति में, उनसे दाम देकर अभिप्राप्त किए जाएंगे जिनमें केन्द्रीय सरकार द्वारा समय-समय पर इस निमित्त नियम किये जाएंगे; और वे, प्राधिकारपत्र के धारक द्वारा निरापद अभिरक्षा में रखा जाएंगा और जब वह प्राधिकार-पत्र विधिमान्य न रहे तब मात्र सावधार्य, कृषि विषयन सलाहकार, भारत सरकार या अक्त प्राधिकृत अधिनियम को व्याप्ति कर दिए जाएंगे;

(ठ) श्रेणीकृत अपज को विहित रीति से चिन्हित करने के लिए अपेक्षित श्रेणी अभिभास चिन्ह लेवलों, या किसी स्टैमिल, रबड़ वी मोहर, पंच मणीन या अन्य औजार का जारी किया जाना या प्रयोग, कृषि विषयन सलाहकार, भारत सरकार या उसके द्वारा इस निमित्त प्राधिकृत किसी व्यक्ति द्वारा, जिनमें वह ब्रह्मतर विषयन के हित में समीक्षीन रामर्षों उन्हीं अवधार के लिए विना सूचना के रोका जा सकता है या व्याप्ति किया जा सकता है, यदि उसका सामाधार हो जाए या उसके पास यह विश्वास करने का कागण हो कि प्राधिकृत पैकर, श्रेणी अभिभास चिन्ह का सभी रूप में प्रयोग नहीं कर रहा है या उसके सभी रूप में प्रयोग करने की समावना नहीं है;

(झ) प्राधिकार-पत्र धारक, श्रेणी अभिभास चिन्हों से चिन्हित अनुभूति वस्तुओं का क्वालिटी-नियंत्रण प्रवृत्त करने के लिए उपायों, जिनमें नमूनों का परीक्षण और उन वस्तुओं का निरीक्षण भी है, के मंबंध में या ऐसी वस्तुओं के किसी वर्ग के विषय संबंधित के लिए किए गए प्रवाग कार्य के मंबंध में अपगत खबरों में ऐसे प्रभारों का संयोग करेगा जो केन्द्रीय सरकार द्वारा, समय-समय पर विहित किए जाएं।

(4) अनुसूची 1 और उससे संबंधित प्रथाएँ के स्थान पर, निम्नलिखित अनुसूची और प्रविधियाँ रखी जायेंगी, अर्थात् :—

अनुसूची 1

[नियम 3, 4, 8, 9 और 10 देखिए]

भारतीय कलरित तथा मिश्रित अम के श्रेणी अधिकार तथा विशेष लक्षण

श्रेणी अधिकार	रेणु का रंग	विशेष लक्षण		
		प्रयोगेणाला में अभिषाधित उत्त का प्रतिशत	अधिकतम वनस्पति द्रव्य	टिप्पणियाँ
1	2	3	4	5
क. कलरित				
सफेद	सफेद	80 से अधिक 85 से अधिक 90 से अधिक	5 प्रतिशत	
हल्की सफेद	हल्की सफेद	77 से अधिक 80 से अधिक 85 से अधिक 90 से अधिक	5 प्रतिशत	यदि वनस्पति द्रव्य की मात्रा 3 प्रतिशत से ऊपर और 5 प्रतिशत तक हो तो वह एग्रमार्क श्रेणीकरण प्रमाणपत्र में उपर्याप्त किया जायेगा;
फीकी पीली	फीकी पीली	74 से अधिक 70 से अधिक	5 प्रतिशत	
पीली	पीली	80 से अधिक 85 से अधिक 90 से अधिक	5 प्रतिशत	
रंगीन	रंगीन	70 से अधिक 75 से अधिक 80 से अधिक	5 प्रतिशत	
ख. मिश्रित				
सफेद	सफेद	80 से अधिक 85 से अधिक 90 से अधिक	5 प्रतिशत	1. यदि वनस्पति द्रव्य की मात्रा 3 प्रतिशत से ऊपर और 5 प्रतिशत तक हो, तो यह एग्रमार्क श्रेणीकरण प्रमाणपत्र में उपदर्शित किया जायेगा।
हल्की सफेद	हल्की सफेद	74 से अधिक 77 से अधिक 80 से अधिक 85 से अधिक	5 प्रतिशत	2. “मिश्रित” शब्द का अभिप्राय कलरित उत्त संदिग्ध करिते उत्त तथा/अथवा धूनी उत्त के सम्मिश्रण से है। यदि सम्मिश्रण 10 प्रतिशत से अधिक हो तो उसे मिश्रित घोषित किया जायेगा। यदि करिते उत्त के तथा/अथवा धूनी उत्त के सम्मिश्रण का प्रतिशत 25 से अधिक हो, तो इसे सम्मिश्रण भी किस्म के आधार पर, यथास्थिति, करिते उत्त या धूनी हुई उत्त घोषित किया जायेगा।
फीकी पीली	फीकी पीली	90 से अधिक		
पीली	पीली			
रंगीन	रंगीन	70 से अधिक 75 से अधिक 80 से अधिक	5 प्रतिशत	

(5) अनुसन्धी 2 और उसमें अनुसन्धी प्रविठियों के स्थान पर निष्ठानिष्ठा अनुसन्धी और प्रविठियों रखी जायेंगी, अर्थात्—

‘प्रनमस्त्री 2

[नियम 2, 4, 8, और 10 देखिए]

भारतीय कपिले उन के श्रेणी अभिधान तथा विशेष लक्षण)

प्रेणी अभिधान	रेणे का रंग	विषेष प्रक्षण		
कथिते सफेद	सफेद	80 से अधिक 85 से अधिक 90 से अधिक	5 प्रतिशत	1. यदि वनस्पति द्वारा की मात्रा 3 प्रतिशत से अधिक तथा 5 प्रतिशत तक हो तो इसे प्रगमार्क प्रेणीकरण प्रमाणापन में उपलब्धित किया जायेगा।
कपिते हर्षकी सफेद	हर्षकी सफेद	77 से अधिक 80 से अधिक 85 से अधिक	5 प्रतिशत	
कपिते कीकी पीली	कीकी पीली	74 से अधिक 77 से अधिक 80 से अधिक	5 प्रतिशत	
कपिते पीली	पीली	85 से अधिक 90 से अधिक	5 प्रतिशत	
कपिते रंगीन	रंगीन	70 से अधिक 75 से अधिक 80 से अधिक	5 प्रतिशत	2. “कपिते ऊन” का अभिप्राय चुने के स्पर्श से कपिते ऊन से भिन्न ऊन है”।

6. अनुमूची 3 और उसमें मंवंश प्रविष्टियों के ध्यान पर, निम्नलिखित अनुमूची और प्रथिष्ठित रखो जायेगी, प्रयत् ।

‘‘ग्रन्तमूच्ची ३

[नियम 3, 4, 8, 9 और 10 के बिंदु]

भारतीय टैनगी ऊन (चना घणित) के श्रेणी अभिधान तथा विशेष लक्षण

श्रेणी अधिकान	रेणे का रंग	विशेष लक्षण
प्रयोगशाला में अभियितै ऊन का प्रतिशत	भार्धिकतम बनस्पति द्रव्य	ट्रिप्पणियां
1	2	3
(क) दक्षिण भारतीय टेनरी तथा अवन प्रकार की ऊन से भिन्न ऊन	4	5
कूनास्पृशित सफेद	सफेद	75 से अधिक 80 से अधिक 85 से अधिक 90 से अधिक
कूनास्पृशित हल्की सफेद	हल्की सफेद	72½ से अधिक
कूनास्पृशित फीकी पीली	फीकी पीली	75 से अधिक
कूनास्पृशित पीली	पीली	80 से अधिक 85 से अधिक 90 से अधिक
कूनास्पृशित रंगीन	रंगीन	65 से अधिक 70 से अधिक 75 से अधिक 80 से अधिक
		5 प्रतिशत } 5 प्रतिशत } 5 प्रतिशत }

1	2	3	4	5
---	---	---	---	---

(क्ष) दक्षिण भारतीय चमेटीनरी तथा अदन प्रकार की ऊन

टेनरी सफेद	सफेद	65 से अधिक	5 प्रतिशत	5 प्रतिशत
टेनरी हल्की सफेद	हल्की सफेद	70 से अधिक		
टेनरी फीकी पीली	फीकी पीली	75 से अधिक		
टेनरी पीली	पीली	80 से अधिक		
टेनरी रंगीन	रंगीन	55 से अधिक	5 प्रतिशत	5 प्रतिशत
		60 से अधिक		
		65 से अधिक		
		70 से अधिक		

(7) अनुसूची 5 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित अनुसूची और प्रविष्टियां रखी जायेगी अर्थात् :—

“अनुसूची 5

[नियम 3, 4, 8, 9 और 10 देखिए]

भारतीय ओटी हुई ऊन का श्रेणी अभिधान तथा विशेष लक्षण

श्रेणी अभिधान	रेशे का रंग	प्रयोगशाला में अभिवर्धिते	अधिकतम वनस्पति द्रव्य	टिप्पणियां
1	2	3	4	5
ओटी हुई सफेद	सफेद	80 से अधिक 85 से अधिक 90 से अधिक	5 प्रतिशत	
ओटी हुई हल्की सफेद	हल्की सफेद	77 से अधिक 80 से अधिक 85 से अधिक 90 से अधिक	5 प्रतिशत	
ओटी हुई फीकी पीली	फीकी पीली	74 से अधिक 77 से अधिक 80 से अधिक 85 से अधिक 90 से अधिक	5 प्रतिशत	
ओटी हुई पीली				
ओटी हुई रंगीन	रंगीन	70 से अधिक 75 से अधिक 80 से अधिक	5 प्रतिशत	
				यदि वनस्पति द्रव्य की मात्रा 3 प्रतिशत से अधिक नहीं 5 प्रतिशत तक हो तो इसे एग्रमार्क श्रेणीकरण प्रमाणपत्र में उपलिखित किया जायेगा”।

(8) अनुसूची 6 मे,—

(क) सत्त्व 3 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित सत्त्व और प्रविष्टि रखी जायेगी, अर्थात् :—

“प्रयोगशाला में अभिवर्धित **ऊन का प्रतिशत

(3)

95 प्रतिशत और अधिक”

(क्ष) विश्वासन पाद टिप्पण के स्थान पर निम्नलिखित पाद टिप्पण रखा जायेगा, अर्थात् :—

“(1) अभिवर्धित ऊन के लाठों की दणा में, लाट का शुद्ध भार और प्रतिवर्षित भार भी श्रेणीकरण प्रमाणपत्र में किलोग्राम में उपलिखित किया जायेगा।”

(9) प्रत्येकी 8 और उसमें संबंधित प्रविधियों के पासात् निम्ननिवित अनुमूली और प्रविधियाँ जोड़ी जायेंगी, अर्थात्—

अनुमूली 9

(नियम 14 के देखिए)

भारत सरकार

कृषि और सिंचाई मंत्रालय

(ग्रामीण विकास विभाग)

विषयात् और निरीक्षण निदेशालय

(निरीक्षण कार्यालय की मोहर)

प्रतिबन्धपत्र

प्रतिक्रिया विभाग

उन का प्रकार
गाठों की संख्या
जारी किये गए एग्रार्क
लेखिलों की संख्या
कुल भार
मकल भार (कि०ग्रा०)
प्रोप्रित आधेय भार (कि०ग्रा०)
मूद भार (कि०ग्रा०)

} प्रभिधित उन

1. कोड प्रतिदर्शभार
2. आवा शुल्क भार
3. हानि
4. प्राव्रता प्राप्त
5. फ्लेदाप्टि (रीगेन)
गुद भार, आवा शुल्क
प्रतिशत की राजकीय फ्लेदाप्टि
परीक्षण के अनुमार इनवायसभार
साम
मूल शुद्ध भार
तारीख

परीक्षण परिणाम

ग्रा०
ग्रा०
ग्रा०
प्रतिशत
प्रतिशत
कि०ग्रा० या प्रतिशत

आवेदन के हस्ताक्षर मोहर सहित

[मा० एक० 13-10/76 ए०एम०]

ए० के० अप्रवाल, उप सचिव

S.O. 2984.—The following draft of certain rules to amend the Wool Grading and Marking Rules, 1975 which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published, as required by the said section, for the information of all persons likely to be affected thereby, an notice is hereby given that the said draft will be taken into consideration after the expiry of a period of forty-five days from the date of publication of this notification in the Official Gazette.

Any objection or suggestion which may be received from any person with respect to the said draft before the expiry of the period so specified will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Wool Grading and Marking (Amendment) Rules, 1977.

2. In the Wool Grading and Marking Rules, 1975,—

(1) in rule 4, in sub-rule (2).—

(a) in clauses (i) and (ix), after the words "vegetable fibre", the words "or synthetic fibre or damaged

80 GI 77-6

wool, that is moth infested, burnt wool, etc." shall be inserted;

(b) in clause (x), the word "other" shall be inserted in between the words "from" and "animal";

(2) after rule 14, the following rule shall be inserted, namely :—

"14 A. in the case of lots of scoured wool, a conditioning certificate shall be issued by the Agricultural Marketing Adviser to the Government of India or an officer authorised by him in this behalf as an appendix to the certificate of Agmark Grading."

(3) for rule 15, the following rule shall be substituted, namely :—

15. Special conditions of authorisation :—

1. Wool of one grade only shall be packed in one lot.

2. The undermentioned conditions shall be the conditions of every Certificate of Authorisation issued for the purpose of these rules, namely :—

(a) the premises of wool merchants and baling presses shall be clean and tidy and shall provide adequate space, facilities

for cleaning, sorting, baling, weighing, storage official inspection and marking of wool;

(b) all instructions regarding method of sampling, testing, marking and inspection of wool before and after the pressing and maintenance of records thereof, issued by the Agricultural Marketing Adviser to the Government of India from time to time, shall be strictly observed by all concerned;

(c) grade designation marks shall only be applied to the articles mentioned in the Certificate of Authorisation and at the premises therein mentioned;

(d) during the operation of the Certificate of Authorisation, the holder thereof shall, at all reasonable times, give access to the premises named therein to any person duly authorised by the Agricultural Marketing Adviser to the Government of India or by the Central Government and shall afford him facilities for ascertaining that marking is being correctly performed.

(e) the holder of the Certificate of Authorisation shall keep a record of the number of packages marked with each grade designation mark and shall permit any person duly authorised by the Agricultural Marketing Adviser to the Government of India or by the Central Government to examine the record;

(f) the holder of the Certificate of Authorisation shall permit any duly authorised person by the Agricultural Marketing Adviser to the Government of India or by the Central Government to take samples of any graded produce or to open and inspect any package bearing a grade designation mark, provided that all samples shall be paid for;

(g) any person authorised in this behalf by the Agricultural Marketing Adviser to the Government of India or by the Central Government may cancel or remove a grade designation mark from any graded produce (should such produce be found by such person as not to comply with the definition of quality prescribed for that article):

Provided that whenever grade designation marks are removed from graded produce belonging to distributors, and not to authorised packers, the latter shall, when so directed by the Agricultural Marketing Adviser to the Government of India, make good to the former any loss sustained as a result of the removal of the grade designation mark, the loss being estimated on the basis of the additional value that the properly graded produce would have obtained in the market over and above the current market value of the corresponding quantity of the ungraded product;

(h) all the rules made under the Agricultural produce (Grading and Marking) Act, 1937 (and all instructions regarding methods of sampling analysis, submission of periodical

returns, etc., which may be issued from time to time, by the Agricultural Marketing Adviser to the Government of India) shall be observed;

(i) any Certificate of Authorisation may be cancelled revoked, modified or suspended by the Agricultural Marketing Adviser to the Government of India or by any other person authorised by the Central Government in that behalf, provided that 14 days' notice in writing shall be given to the Certificate holder at the address stated on the Certificate of Authorisation and an opportunity given him for showing cause why his Certificate of Authorisation shall not be cancelled, revoked, modified or suspended;

(j) any holder of a Certificate of Authorisation may, with the written consent of the Agricultural Marketing Adviser to the Government of India, use a replica of the Agmark design on his business papers and catalogues;

(k) any stencil, rubber stamp, punch or other instrument or label required for making graded produce in the prescribed manner shall be obtained only from the Agricultural Marketing Adviser to the Government of India, or a person authorised by him, on payment of such charges as the Central Government may, from time to time, fix in this behalf shall be kept in safe custody by the holder of the Certificate of Authorisation, and shall, so far as may be returned to the Agricultural Marketing Adviser to the Government of India or such authorised person when the Certificate of Authorisation ceases to be valid;

(l) the issue or use of grade designation mark labels or any stencil, rubber stamp, punch or other instrument required for marking graded produce in the prescribed manner may be withheld or withdrawn by the Agricultural Marketing Adviser to the Government of India or a person authorised by him in this behalf without any notice, for such period as he may consider expedient in the interest of better marketing, if he is satisfied or has reasons to believe that the authorised packer is not applying, or is not likely to apply, grade designation marks correctly.

(m) the holder of a Certificate of Authorisation shall pay such charges as may be prescribed by the Central Government, from time to time, towards the expenses incurred in connection with measures for enforcing the quality control of scheduled articles marked with grade designation marks including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles";

(4) for Schedule I and the entries relating thereto, the following Schedule and entries shall be substituted namely:—

SCHEDULE I

[See rules 3, 4, 8, 9 and 10]

Grade Designation and Special Characteristics of Indian clipped and mixed wools

Grade designation	Colour of fibre	SPECIAL CHARACTERISTICS			Remarks
		Labouratory scoured yield percent of wool	Maximum Vegetable matter	5	
1	2	3	4	5	
A. CLIPPED					
White	White	Over 80 Over 85 Over 90	5 percent		
Tinged White	Tinged White	Over 77 Over 80 Over 85 Over 90	5 percent		If the vegetable matter content is over 3 percent and upto 5 percent it shall be indicated in the Certificate of Agmark Grading.
Pale Yellow	Pale Yellow	Over 74 Over 77 Over 80	5 percent		
Yellow	Yellow	Over 85 Over 90			
Coloured	Coloured	Over 70 Over 75 Over 80	5 percent		

1	2	3	4	5
B. MIXED				
White	White	Over 80 } Over 85 } Over 90 }	5 per cent }	1. If the vegetable matter content is over 3 per cent and upto 5 per cent, it shall be indicated in the Certificate of Agmark Grading.
Tinged white	Tinged white	Over 74 }	5 per cent	2. The term "Mixed" shall mean admixture of pulled wool and or carded wool with clipped wool. It shall be declared as mixed if the admixture is in excess of 10 per cent. If the percentage of admixture of pulled and or carded wool exceeds 25 per cent, it shall be declared as pulled wool or carded wool, as the case may be, depending on the type of admixture";
Pale yellow	Pale yellow	Over 77 }		
Yellow	Yellow	Over 80 } Over 85 } Over 70 }	5 per cent }	
Coloured	Coloured	Over 70 } Over 75 } Over 80 }		

(5) for SCHEDULE II and the entries relating thereto, the following Schedule and entries shall be substituted, namely

"SCHEDULE II

[See rules 3, 4, 8, 9, and 10]

Grade Designation and Special Characteristics of Indian Pulled Wool

Grade designation	Colour of fibre	SPECIAL CHARACTERISTICS			Remarks
		Laboratory scoured yield per cent of wool	Maximum	Vegetable matter	
1	2	3	4	5	
Pulled White	White	Over 80 } Over 85 } Over 90 }	5 per cent }		1. If the vegetable matter content is over 3 per cent and upto 5 per cent, it shall be indicated in the Certificate of Agmark Grading.
Pulled Tinged White	Tinged White	Over 77 } Over 80 } Over 85 } Over 90 }	5 per cent }		2. "Pulled Wool" means "other than limed pulled wool";
Pulled pale yellow	Pale yellow	Over 74 }			
Pulled yellow	Yellow	Over 77 } Over 80 } Over 85 } Over 90 }	5 per cent }		
Pulled coloured	Coloured	Over 70 } Over 75 } Over 80 }	5 per cent }		

(6) for SCHEDULE III and the entries relating thereto, the following schedule and entries shall be substituted, namely:—

"SCHEDULE III

[See rules 3, 4, 8, 9 and 10]

Grade Designation and Special Characteristics of Indian Tannery Wool (Limed)

Grade designation	Colour of fibre	SPECIAL CHARACTERISTICS			Remarks
		Laboratory scoured yield per cent of wool	Maximum	Vegetable matter	
1	2	3	4	5	
(a) Wool other than South Indian Tannery and Aden Type					
Limed white	White	Over 75 } Over 80 } Over 85 } Over 90 }	5 per cent }		
Limed Tinged white	Tinged White	Over 72 } Over 75 }			
Limed Pale yellow	Pale Yellow	Over 80 }	5 per cent }		
Limed Yellow	Yellow	Over 85 } Over 90 }			
Limed coloured	Coloured	Over 65 } Over 70 } Over 75 } Over 80 }	5 per cent }		1. If the vegetable matter content is over 3 per cent and upto 5 per cent, it shall be indicated in the certificate of Agmark Grading";

1	2	3	4	5
(b) South Indian Tannery and Aden Type wools.				
Tannery White	White	Over 60 Over 65		
Tannery Tinged white	Tinged white	Over 70 Over 75	5 per cent	
Tannery pale yellow	Pale yellow	Over 80		
Tannery yellow	Yellow			
Tannery Coloured	Coloured	Over 55 Over 60 Over 65 Over 70 Over 75	5 per cent	

(7) for SCHEDULE V and the entries relating thereto, the following Schedule and entries shall be substituted, namely:—

SCHEDULE V

[See rules 3, 4, 8, 9, and 10]

Grade Designation and Special Characteristics of Indian Ginned Wool.

Grade designation	Colour of fibre	SPECIAL CHARACTERISTICS			Remarks
		Laboratory scoured yield per cent of wool	Maximum Vegetable matter	4	
1	2	3	4	5	
Ginned White	White	Over 80 Over 85 Over 90	5 per cent		
Ginned white	Tinged white	Over 77 Over 80 Over 85 Over 90	5 per cent		
Ginned Pale yellow	Pale yellow	Over 74 Over 77			
Ginned yellow	Yellow	Over 80 Over 85 Over 90	5 per cent		
Ginned coloured	Coloured	Over 70 Over 75 Over 80	5 per cent		

(8) in SCHEDULE VI,—

(a) for column 3 and the entry relating thereto, the following column and entry shall be substituted, namely :—

"Laboratory Scoured"**

Yield percentage

(3)

95% and over";

(b) for the existing foot note, the following foot note shall be substituted, namely:—

"(1) The net weight and the conditioned weight of the lot in the case of lots of scoured wool shall also be indicated in the Certificate of Grading in Kg."

(9) after SCHEDULE VIII and the entries relating thereto, the following Schedule and the entries shall be inserted, namely :—

"SCHEDULE IX

[See rule 14A]

Government of India

MINISTRY OF AGRICULTURAL AND IRRIGATION

(Department of Rural Development)

Directorate of Marketing and Inspection

(STAMP OF THE ISSUING OFFICE)

CONDITIONING CERTIFICATE

TEST IDENTIFICATION

Wool type : Scoured wool

Number of bales :

Number of Agmark labels issued :

Total weight :

Gross (Kg.) :

Declared tare (Kg.) :

Nett (Kg.) :

**I.S. : 1349—1964";

TEST RESULTS

1. Coresample weight :	gms.
2. Oven dry weight :	mgs.
3. Loss :	gms.
4. Moisture content :	%
5. Regain :	%
Net weight, Oven dry :	Kg. or ..%
Official Regain of ..%	Kg. or ..%
Invoice weight as per test :	Kg. or ..%
Gain :	Kg. or ..%
Original net weight :	Kg. or 100%

Date :

Signature of the officer with stamp"

[No. F. 13-10/76-AM]
A.K. AGARWAL, Dy. Sec.

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 31 अगस्त, 1977

S.O. 2985.—भारत अन्तर्राष्ट्रीय विमानपत्रन प्राधिकरण अधिनियम, 1971 (1971 का 43) की धारा 5 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (3) द्वारा प्रदत्त प्रक्रियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा तत्काल तथा प्रत्येक के सामने दी गई तारीख तक निम्नलिखित को भारत अन्तर्राष्ट्रीय विमानपत्रन प्राधिकरण के अंगकालिक सदस्यों के रूप में नियुक्त करती है :—

1. श्री के० जी० अपूस्वामी, upto 13-2-79 तक	श्री के० उमी के स्थान पर
2. श्री एम०सी० सरीन, upto 7-12-79 तक	श्री ए०एच० मेहता के स्थान पर
3. श्री फिलोमन थास, upto 3-3-79 तक	श्री बादल राय के स्थान पर

विमानन मंत्रालय

[मं. ए. वी 24012/3/77-ए]

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi 31st August, 1977

S.O. 2985.—In exercise of the powers conferred by Sub-Section (3) of Section 3 read with Sub-section (4) of Section 5 of the International Airports Authority Act, 1971 (43 of 1971), the Central Government hereby appoints the following as part time Members of the International Airports Authority of India, with immediate effect and upto the date shown against each :—

1. Shri K. G. Appusamy, Managing Director, Air-India.	upto 13-2-79	Vice Shri K. K. Unni
2. Shri M. C. Sarin, Managing, Director, Indian Airlines.	upto 7-12-79	Vice Shri A. H. Mehta
3. Shri Philomen Dos, Director, Ministry of Tourism and Civil Aviation.	upto 3-3-79	Vice Shri Badal Roy.

[No. AV-24012/3/77-AA]

नई दिल्ली, 7 सितम्बर, 1977

S.O. 2986.—बायू निगम अधिनियम 1953 (1953 का 27) की धारा 4 द्वारा प्रदत्त विधियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा एयर इंडिया के प्रबंधक निवेशक श्री के०जी०अपूस्वामी को 25 अगस्त 1977 (पूर्वान्ह) से तथा अगले विदेशों तक इंडियन एयरलाइंस के निवेशक मंडल में निवेशक के रूप में नियुक्त करती है।

[सं. एवी 18013/4/75-ए सी]
बरणजीत धींगरा, उप सचिव

New Delhi, the 7th September, 1977

S.O. 2986.—In exercise of the powers conferred by Section 4 of the Air Corporations Act, 1953 (27 of 1953), the Central Government hereby appoints Shri K. G. Appusamy, Managing Director, Air-India, as Director on the Board of Indian Airlines with effect from the 25th August, 1977 (FN) and until further orders.

[No. AV. 18013/4/75-AC.]
C. L. DHINGRA, Dy. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 1 मितम्बर, 1977

S.O. 2987.—चलन्ति अधिनियम, 1952 की धारा 5(1) और चलन्ति (सेवा) नियमावली, 1958 के नियम 9 के उपनियम (1) के माथ पठित नियम 8 के उप नियम (3) के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेंसर बोर्ड से परामर्श करने के बाद, एतद्वारा निम्नलिखित व्यक्तियों को एक सितम्बर, 1977 में 31 अक्टूबर, 1977 तक उन्हें बोर्ड के मद्रास सलाहकार पैनल का सदस्य फिर से नियुक्त किया है :—

1. श्री टी० नीलकंतन
2. श्रीमती सोंदा फैलासम
3. श्री सोहम्सर युसुफ कोकण
4. श्री एम० गोविदन
5. श्रीमती सी० एल० भीनाशी ग्रम्मा
6. श्री पी०वी० अलपतेश्वर राव
7. श्री पी० के० रामलिंगम
8. श्री जी० बरवाणा
9. श्रीमती आर० सुवर्ण
10. श्रीमती पी०वी० भासीरचंदी
11. श्रीमती बर्था लोबे

12. श्रीमती इश्वरा जी० कोठारी
13. श्रीमती मालती चन्द्र
14. श्री सी० आर० शर्मा
15. श्रीमती राजी रंगचारी
16. श्रीमती पद्मिनी अचूता मेनन
17. डा० एस० विजयलक्ष्मी
18. श्रीमती लीला पार्वतीसार्थी
19. कुमारी पी० शान्ताबाई
20. श्रीमती एम० लीलाकृती
21. श्रीमती रोहिणी कृष्णाचन्द्र
22. डा० (कुमारी) सी० एम० लीलाकृती
23. श्रीमती हेमलता अजनेयलु
24. श्रीमती सारा सैयद युसूफ
25. श्रीमती जी० दूष्प्रे
26. श्रीमती पद्मा सदानन्दम

[फा० सं० 11/3/76-एफ०सी०]

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 1st September, 1977

S.O. 2987.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Acts 1952 and Sub-rule (3) of Rule 8 read with Sub-rule (1) of Rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby reappoints the following persons after consultation with the Central Board of Film Censors as Members of the Advisory Panel of the said Board at Madras with effect from 1st September, 1977 upto 31st October, 1977 :—

1. Shri T. Neelakanthan.
2. Smt. Soundra Kailasam.
3. Shri Mohd. Yousuf Kokan.
4. Shri M. Govindan.
5. Smt. C. L. Meenakshi Amma.
6. Shri P. V. Chalapatheswara Rao.
7. Shri P. K. Ramalingam.
8. Shri G. Varadappa.
9. Smt. R. Suvarna.
10. Smt. P. V. Bhagirathi.
11. Smt. Borthe Lobo.
12. Smt. Indira D. Kothari.
13. Smt. Malati Chandur.
14. Shri C. R. Sharma.
15. Smt. Riji Rangachari.
16. Smt. Padmini Achutha Menon.
17. Dr. S. Vijayalakshmi.
18. Smt. Leela Parthasarathy.
19. Kumari P. Shanta Bai.
20. Smt. M. Leelavathi.
21. Smt. Rohini Krishachandra.
22. Dr. (Miss) C. M. Leelavathi.
23. Smt. Hemlata Anjaneyulu.
24. Smt. Sara Syed Yusuff.
25. Smt. G. Dubey.
26. Smt. Padma Sadanandam.

F. No. 11-3-76-]

का०आ० 2988.—चलचित्र अधिनियम, 1952 की धारा 5(1) प्रीर चलचित्र (सेसर) नियमावली 1958 के नियम 9 के उपनियम (1) के साथ पठित नियम 8 के उपनियम (3) के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेंसर बोर्ड से परामर्श करने के बाद एवंद्वारा निम्नलिखित व्यक्तियों की एक सितम्बर, 1977 से 31 अक्टूबर, 1977 तक उक्त बोर्ड के कलकत्ता सलाहकार पैनल का सदस्य फिर से नियुक्त किया है :—

1. श्रीमती ऊमा सबानबीस
2. श्री सैलेन मुकर्जी
3. श्रीमती अबू सईद अम्बूब
4. श्रीमती काजल सेनगुप्त
5. श्रीमती शैव्या दत्त
6. श्रीमती आशा पूर्णदेबी
7. श्री सुजीत के० चक्रबर्ती
8. श्री आर० पी० गुप्ता
9. श्री अनंत महापात्र
10. श्रीमती ऊपा खा
11. श्री रनेन प्रथन दत्त
12. श्रीमती जयश्री सेन
13. श्रीमती मीनाक्षी बसु

[फा० सं० 11/3/76-एफ०सी०]

S.O. 2988.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of Rule 8 read with Sub-rule (1) of Rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby reappoints the following persons after consultation with the Central Board of Film Censors, as Members of the Advisory Panel of the said Board at Calcutta with effect from 1st September, 1977 to 31st October, 1977 :—

1. Smt. Uma Sabanabis.
2. Shri Sainal Mookerji.
3. Smt. Abu Sayeed Ayyub.
4. Smt. Kajal Sen Gupta.
5. Smt. Shajbya Dutt.
6. Smt. Asha Purna Debi.
7. Shri Sujit K. Chakrabarti
8. Shri R. P. Gupta.
9. Shri Anant Mahapatra.
10. Smt. Usha Khan.
11. Shri Ranen Ayan Dutta.
12. Smt. Jayasree Sen.
13. Smt. Minakshi Basu.

[F. No. 11/3/76-FC]

का०आ० 2989.—चलचित्र अधिनियम, 1952 की धारा 5(1) प्रीर चलचित्र (सेसर) नियमावली 1958 के नियम 9 के उपनियम (1) के साथ पठित नियम 8 के उपनियम (3) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने केन्द्रीय फिल्म सेंसर बोर्ड से परामर्श करने के बाद एवंद्वारा निम्नलिखित व्यक्तियों को एक सितम्बर, 1977 से 31 अक्टूबर, 1977 तक उक्त बोर्ड के बम्बई सलाहकार पैनल का सदस्य फिर से नियुक्त किया है :—

1. श्री कमलेश्वर
2. प्रो० के० जी० अग्रवाल
3. श्री एस० एस० रेणे
4. प्रो० (श्रीमती) विजय राज्याध्यक्ष
5. श्री डी०जी० नादकर्णी
6. डा० (श्रीमती) चार्ल्सीला बी० गुप्ता
7. श्रीमती कमला तिसक

8. श्रीमती पद्मा के० देसाई
9. डा० (कुमारी) समूर्जेन एस० सोनेजी
10. श्रीमती नलिनी एस० सुखदेव
11. श्रीमती मणिबेन देसाई
12. श्रीमती टी०वी० देहेजिआ
13. श्रीमती लक्ष्मी शाही
14. श्री एस० डी० शाह
15. श्री एस० ई० हुसनेन
16. श्री तलाखी शाह
17. श्री राजनारायण सिंह
18. श्रीमती आर० एस० बोगा
19. श्री रमिक जे० शाह
20. श्रीमती मृणालिनी चौकरी
21. श्रीमती ललिता एस० बापत
22. श्रीमती एस० गुलाराजानी
23. श्रीमती मालती गिलानी
24. श्रीमती आशा सेठ
25. श्रीमती मंजू अग्रवाल
26. श्री जोए अंसारी
27. श्रीमती निम्मी कुमार

[फा० सं० 11/3/76-एफ०मी०]

ए०वी० नारायणन, उप मन्त्रिय

S.O. 2989.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and Sub-rule (3) of Rule 8 read with Sub-rule (1) of Rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby reappoints the following persons after consultation with the Central Board of Film Censors, as members of the Advisory Panel of the said Board at Bombay with effect from 1st September, 1977 upto 31st October, 1977 :—

1. Shri Kamaleshwar.
2. Prof. K. G. Aggarwal.
3. Shri S. S. Rege.
4. Prof. (Smt.) Viljaya Rajadhyakshna.
5. Shri D. G. Nadkarni.
6. Dr. (Smt.) Charusheela B. Gupta.
7. Smt. Kamala Tilak.
8. Smt. Padma K. Desai.
9. Dr. (Miss) Labuben S. Soncji.
10. Smt. Nalini S. Sukthankar.
11. Smt. Meniben Desai.
12. Smt. T. V. Dehejia.
13. Smt. Laxmi Wahl.
14. Shri S. D. Shah.
15. Shri S. E. Hassnain.
16. Shri Talakshi Shah.
17. Shri Rajnarain Singh.
18. Smt. R. S. Boga.
19. Shri Rasik J. Shah.
20. Smt. Mrinalini Choksi.
21. Smt. Lalita N. Bapat.
22. Smt. S. Gulrajani.
23. Smt. Malati Gilani.
24. Smt. Asha Sheth.
25. Smt. Manju Aggarwal.
26. Shri Zoe Ansari.
27. Smt. Nimmi Kumar.

[F. No. 11/3/76-FC]

A. V. NARAYANAN, Dy. Secy.

पूर्ति और पुनर्वासि मंत्रालय

(पुनर्वासि विभाग)

नई दिल्ली, 31 मित्रम्बर, 1977

का०आ० 2990—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वासि) प्रधिनियम, 1954 की धारा 34 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार, पूर्ति और पुनर्वासि मंत्रालय (पुनर्वासि विभाग) द्वी विनांक 12 जनवरी, 1976 की अधिसूचना संख्या 2(8)/69 विशेष सेल/एस०एस०-11 का प्रतिक्रमण करते हुए मैं, ज० चक्रवर्ती, मुख्य बन्दोबस्त आयुक्त, महाराष्ट्र सरकार के राजस्व तथा बन विभाग की 17 अगस्त, 1977 की अधिसूचना संख्या ई०वी०पी० 1077/184571(1)/आर०-9 द्वारा महाराष्ट्र राज्य के लिए नियुक्त बन्दोबस्त आयुक्त श्री आर० टी० नडकर्णी को उक्त नियम की धारा 23, 24 तथा 28 द्वारा या उनके अधीन मुख्य प्रदत्त शक्तियाँ, इस तर्फ के अधीन सीमता हुई कि महाराष्ट्र राज्य के बन्दोबस्त आयुक्त के रूप में वे महाराष्ट्र राज्य से बाहर वित्त मुआवजा पूल की संपत्तियों के संबंध में गेमी किसी भी शक्ति का प्रयोग नहीं करेंगे।

[सं० 1(11)/विशेष सेल/77-एस०एस०-II]

ज० चक्रवर्ती, मुख्य बन्दोबस्त आयुक्त

MINISTRY OF SUPPLY AND REHABILITATION

(Department of Rehabilitation)

New Delhi, the 31st August, 1977

S.O. 2990.—In exercise of the powers conferred by sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, and in supersession of the notification of the Government of India in the Ministry of Supply and Rehabilitation (Department of Rehabilitation) No. 2(8)/69-Spl. Cell/SS II dated 12th January, 1976, I. J. Chakrabarty, Chief Settlement Commissioner hereby delegate to Shri R.T. Nadkarni, Settlement Commissioner for Maharashtra State appointed by the Government of Maharashtra under Revenue and Forests Department Notification No. EVP. 1077/184571 (i)/R. 9, dated the 17th August, 1977, the powers conferred on me by or under Sections 23, 24, and 28 of the said Act, subject to the condition that the said Settlement Commissioner for the State of Maharashtra shall not exercise any such powers in relation to the compensation pool properties not situated in Maharashtra State.

[No. 1(11)/Spl. Cell/77-SS.II]

J. CHAKRABARTY, Chief Settlement Commissioner

नई दिल्ली, 7 मित्रम्बर, 1977

का०आ० 2991—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वासि) प्रधिनियम, 1954 की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नेत्रीय सरकार इसके द्वारा पुनर्वासि विभाग के सेलमेंट विभाग में सहायक बन्दोबस्त आयुक्त, श्री एस० पी० मिश्र, को सहायक बन्दोबस्त आयुक्त के रूप में सौंपे गये अपने कार्यों के ग्रामांश उक्त प्रधिनियम द्वारा या उसके अधीन बन्दोबस्त आयुक्त को सौंपे गए कार्यों को निष्पादित करने के लिए, तत्काल प्रभाव से, बन्दोबस्त आयुक्त के रूप में नियुक्त करती है।

[सं० 1(20)/77/विशेष सेल/एस०एस०-II]

दीनानाथ प्रसीडा, संपूर्ण निवेशक

New Delhi, the 7th September, 1977

S.O. 2991.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the Central Government hereby appoints, with immediate effect, Shri M. P.

Mishra, Assistant Settlement Commissioner in the Settlement Wing of the Department of Rehabilitation as Settlement Commissioner for the purpose of performing in addition to his own duties as Assistant Settlement Commissioner the functions assigned to a Settlement Commissioner by or under the said Act.

[No. 1 (20)/Spl. Coll/77-SS.II]

D. N. ASIJA, Jt. Director.

श्रम मंत्रालय

नई शिल्पी, 7 सितम्बर, 1977

कांस्टा० 2992—केन्द्रीय सरकार ने, यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, श्रोद्योगिक विवाद प्रविनियम, 1947 (1947 का 14) की घारा 2 के खण्ड (v) के उपखण्ड (vi) के परन्तुक के उपबन्धों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० आ० 968 तारीख 7 मार्च, 1977 द्वारा जिक खनन उद्योग को उक्त प्रविनियम के प्रयोजनों के लिए, 17 मार्च, 1977 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया गया था;

श्रीर केन्द्रीय सरकार की राय है कि उक्त कालावधि को आगे छः मास की कालावधि के लिए बढ़ाया जाना लोकहित में अपेक्षित है;

अतः, श्री, श्रोद्योगिक विवाद प्रविनियम, 1947 (1947 का 14) की घारा 2 के खण्ड (v) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योगों को उक्त प्रविनियम के प्रयोजनों के लिए 17 सितम्बर, 1977 से आगे छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस०-11017/3/77-डी-I(ए)]

एल० के० नारायणन, डेस्क प्रधिकारी

MINISTRY OF LABOUR

New Delhi, the 7th September, 1977

S.O. 2992.—Whereas the Central Government being satisfied that the public interest so required had declared by a notification made in pursuance of the proviso to sub-clause (vi) of clause (n) of section (2) of the Industrial Disputes Act, 1947 (14 of 1947) being the notification of the Government of India in the Ministry of Labour No. S.O. 968 dated the 7th March, 1977 the Zinc Mining Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 17th March, 1977.

And whereas the Central Government is of the opinion that the public interest requires the extension of the said period by a further period for six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 17th September, 1977.

[No. S. 1107/3/77/DIA]

L. K. NARAYANAN, Desk Officer.

S.O. 2993.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Industrial Tribunal, Jaipur in the industrial dispute between the employers in relation to the Divisional Personnel Officer, Northern Railway, Bikaner and their workmen, which was received by the Central Government on the 29th August, 1977.

CENTRAL INDUSTRIAL TRIBUNAL, JAIPUR

Case No. C.I.T. 3 of 1975.

REFERNCE :

Government of India, Ministry of Labour Notification No. L-41012/7/74-LRIII[D. 2(B) dated 16-4-75—Published in Part II Sec. 3 Sub-Sec. (ii) of the Gazette of India.

Shri Bhanwar Lal son of Shri Mohan Lal...Applicant.

VERSUS

The Divisional Personnel Officer, Northern Railway, Bikaner ...Opposite Party

APPEARANCES

For the Workman/Union.—Shri Bharat Singh.

For the Management.—Shri Satya Pal Bhati.

Date of Award.—10-8-77.

AWARD

By its notification cited above, the Government of India has referred the following Industrial Dispute to this Tribunal for adjudication :—

"Whether the Assistant Engineer, Northern Railway Bikaner, was competent and justified in terminating the services of Shri Bhanwar Lal son of Shri Mohan Lal, a casual labourer (Fitter) under the Inspector of Works, Northern Railway, Bikaner, by giving the workman a one month's notice of termination dated 8-12-1977 if not, what relief the workman is entitled to?"

The dispute is between the management of the Northern Railway Bikaner and its employee Shri Bhanwar Lal herein-after to be referred as the workman. The case of the workman espoused by the Railway Casual Labour Union, Bikaner, a duly registered trade union, through its General Secretary. It will be hereinafter referred to as the union.

The case delineated by the union is that the workman Shri Bhanwar Lal was appointed as a casual labourer (Fitter) in the Engineering Workshop by the Inspector of Works on 21-8-68. Since then he was working there. On 8-12-73, he was served with a notice dated 1-12-73 by the Assistant Engineer Bikaner in which he was informed that his services would stand terminated on the expiry of one month. The workman submitted an application before the Divisional Personnel Officer raising objections therein against the said notice and proposed termination of his services. The Divisional Personnel Officer is the employer under the Central Industrial Rules. He reaped no success there. The workman then approached the union and the union raised an Industrial Dispute before the Divisional Personnel Officer. The dispute, however, remained unresolved. The union took the matter before the Assistant Labour Commissioner (Central) Ajmer for conciliation, but there also no conciliation could take place due to the non-cooperative attitude of the railway administration. The Conciliation Officer submitted his failure report on 18-2-74 before the Central Government, that resulted in the present reference. It was alleged that the notice carrying the proposed termination of the workman's services was bad, illegal, void and unjustified. It amounted to unfair labour practice. The reliefs claimed are :—

(1) The notice dated 1-12-73 be adjudged illegal, unjustified and null and void and be cancelled, and

(2) Compensation in the amount of Rs. 1500/- be paid to the workman by the railway administration.

The claim was resisted by the railway administration. In its statement of defence, the administration admitted that the workman was engaged for the first time on 21-8-68 as a Fitter in the casual labourer on daily wages by the Inspector of Works. Later on, on 24-8-72, he was fixed in the pay scale of Rs. 110-180, though again in the cadre of casual labourer. The workman was subjected to medical examination. His case was covered by category BI of the Indian Railway Establishment Manual for purpose of vision test. He was declared unfit for the job in this medical test. As such the Assistant Engineer issued a notice on 1-12-73 to the

workman stating therein that his services would stand terminated on the expiry of one month. The allegations of malafides or victimization or unfair labour practice were categorically denied. Some objections relating to the competency and maintainability of the reference were also raised.

In view of the allegations and counter allegations of the parties, the following questions arose for decision :—

- (1) Whether the reference is premature,
- (2) Whether the Assistant Engineer was the proper authority and was competent to issue notice of terminating the workman's services.
- (3) Whether the workman was medically not fit for the post he was appointed.
- (4) Whether the workman should be allowed Rs. 1500 as compensation, and
- (5) Relief to follow.

I shall take up these questions at *seriatim* below :—

Re 1—Whether the reference is premature.

It was contended on behalf of the employer that only a notice was served on the workman about the proposed termination of services. The services were not terminated under it and the workman is still in continuous service since then. It was argued that in the circumstances it cannot be said that there was an industrial dispute. The reference is, therefore, premature and deserved to be rejected. On the other hand it was argued on behalf of the union that the notice in dispute was sufficient to create an apprehension in the mind of the workman that he was to lose the services on a particular date. As such an industrial dispute existed or at any rate the Industrial Dispute was apprehended. I have taken the respective contentions into consideration.

Section 10(1) of the Industrial Disputes Act, 1947 herein-after to be referred as the Act says that a reference can be made by the appropriate Government when any Industrial Dispute exists or is apprehended. It is not at all necessary that the dispute in question must have matured into an industrial dispute. It is sufficient that there is an apprehension of an industrial dispute. In the instant case in the impugned notice, it has been clearly mentioned that the workman's services would stand terminated with effect from the date of expiry of one month from the service of notice on him. This notice according to the union is invalid and illegal. These facts are sufficient to hold that not only an industrial dispute was apprehended but it really existed. The reference, therefore, cannot be said to be premature. In one way the workman's services stood terminated from a particular date. He had, therefore, a good cause to approach the union and raise the dispute.

The reference is not premature.

Re 2—Whether the notice was issued by the proper authority.

It was contended by the union that the Assistant Engineer was not the proper authority and was therefore not competent to issue the impugned notice to the workman.

It was argued that the Divisional Personnel Officer is the employer for the purpose of the Act. The notice of the termination if at all was to be issued by the Northern Railway it could be issued only by its Divisional Personnel Officer and not by the Assistant Engineer. On behalf of the railway administration, it was argued that the appointment of the workman was made by the Inspector of Works. The Assistant Engineer is an authority superior to the Inspector of Works. The Assistant Engineer was, therefore, competent to issue the impugned notice. The contention raised by the railway administration cannot be said to be without force.

It is true that in the industrial dispute (Central Rules, 1957), the Divisional Personnel Officer has been defined as employer in respect of casual labourer employed in the railway establishment. But this is only for the purpose of the Act and to carry out its scheme into effect. The Act has nothing to do with the authority empowered to remove or terminate the services of the workman. The powers of removal and termination vests either in the appointing authority or the disciplinary authority or the authority superior to them. In the

instant case appointment of the workman was made by the Inspector of Works. The Assistant Engineer was therefore, competent to issue the impugned notice. There was no work of authority in the Assistant Engineer in issuing the aforesaid notice.

Re 3—Whether the workman was medically unfit for the post he was appointed?

The case put forward by the railway administration is that the workman's services were to be terminated as he was not found medically fit. It was further contended that his case is governed by clause BI in Annexure V of the India Railway Establishment Manual. The union's stand is that the workman is covered by class CI of the aforesaid annexure. He was declared medically fit for the post of Fitter of Clause CI. I have taken the respective contentions into consideration.

There is no dispute that the workman Shri Bhanwarlal was appointed as Fitter in Casual Labourer in the Engineering Workshop Artisan Staff. The employees of this staff fell within clause CI of the annexure for the purposes of vision test. There is again no dispute between the parties that the workman was declared medically fit as a Fitter employed in the Engineering Workshop Artisan Staff. There was a correspondence in this respect between the Divisional Personnel Officer, the Assistant Engineer and the Medical Department. There is a letter addressed by the Assistant Engineer to the Inspector of Works by which the latter was advised to get the workman medically examined in the class CI for the post of Fitter. This letter is dated 2-1-1973. In pursuance to this letter the medical examination of the workman was conducted on 8-1-73. In this examination he was declared fit for the post of Fitter Class 'CI'. These letters have been submitted by the railway administration itself. For the reasons discussed above, it can be said without any hesitation that the workman was medically fit for the post of Fitter Class 'C' on which he was appointed. He was not appointed as Fitter for class BI. Therefore the test laid down for Fitter Clause BI could not be applied to the workman.

The workman was medically fit for the post he was appointed.

Re 4—Whether the workman should be allowed Rs. 1500 as compensation.

I see no logic or reason in the workman's demand for compensation. He has led no evidence to show how and on what grounds a sum of Rs. 1500 should be awarded to him as compensation. Suffice it to say that he is not entitled to recover any compensation from the railway administration.

Re 5 — Relief.

For the foregoing reasons I arrive at the following conclusions :—

(1) The impugned notice dated 1-12-73 is declared invalid, void, illegal and unjustified;

(2) The workman's service cannot be terminated in pursuance to the aforesaid impugned notice and

(3) The workman is not entitled to recover a sum of Rs. 1500 as compensation from the Railway Administration.

I make my award accordingly.

The award is submitted to the Central Government for publication as required by law.

S. S. BYAS, Presiding Officer

[No. L-41012/7/74-I.R. III/D. II(B)]

HARBANS BAHADWR, Desk Officer

S.O. 2994.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial

dispute between the employers in relation to the management of Diamond Phularitand Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad and their workman, which was received by the Central Government on the 26th August, 1977.

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT NO. 3, DHANBAD**

Reference No. 19 of 1976

PARTIES :—

Employers in relation to the management of Diamond Phularitand Section of Barora Colliery of M/s. Bharat Coking Coal Ltd., P.O. Nawagarh, Dist. Dhanbad.

AND

Their workman represented by Colliery Karmachari Sangh, Dhanbad.

APPEARANCES :—

For Employers—Shri B. Joshi, Advocate.

For Workman—None.

Dated, Dhanbad, the 19th August, 1977

AWARD

This is a reference u/s 10(1)(d) of the Industrial Disputes Act, 1947, by the Govt. of India, Ministry of Labour, under Order No. L-20012/124/75/DIII/A, dated 30-3-76. The dispute relates to Shri Yogeshwar Prasad, Register Keeper, who has been stopped from work by the management of Diamond Phularitand Section of Barora Colliery of M/s. B.C.C. Ltd., with effect from 1st February, 73. The schedule of reference is given below :—

SCHEDULE

“Whether the action of the management of Diamond Phularitand Section of Barora Colliery of M/s. B.C.C. Limited, P.O. Nawagarh, Dist. Dhanbad in stopping from work of Shri Yogeshwar Prasad, Register Keeper with effect from 1st February, 73 is justified? If not, to what relief is the workman entitled?”

2. In the written statement the management have taken a plea that M/s. B.C.C. Limited was not the employer/owner on 1-2-73 in relation to Diamond Phularitand Colliery and no liability of any sort for action committed by the employer/owner of that colliery prior to 1-5-73 can be attached to M/s. B.C.C. Limited.

3. A written statement has also been filed on behalf of the workman but the above point taken by the management has not been assailed.

4. Parties have not entered into evidence and only arguments have been heard.

5. The Diamond Phularitand Colliery is a non-coking coal mine and the management was taken over on 31-1-73. Subsequently, it was nationalised on 1-5-73. It means that on 1-2-73 M/s. B.C.C. Limited was not owner of this colliery and consequently no liability for action by the previous owner can be fastened on it. In this connection we may refer to section 7 of the Coal Mines (Nationalisation) Act, 1973 which is very specific and absolves the Central Govt. or the Govt. company from all prior liabilities which includes wages, bonus, royalty etc. That being so, the objection of the management prevails and the reference becomes incompetent.

6. In the result, it is not open to the Tribunal to look into the question of the stoppage of work of Shri Yogeshwar Prasad, Register Keeper with effect from 1-2-73 and he is entitled to no relief.

This is my award.

S. R. SINHA, Presiding Officer.
[No. L-20012/124/75-D III A]

New Delhi, the 9th September, 1977

S.O. 2995.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Nayadanga Colliery of Messrs Coal Mines Authority Limited, Post Office Nirsachatti, District Dhanbad and their workmen, which was received by the Central Government on the 2nd September, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

Reference No. 4 of 1975

PARTIES :—

Employers in relation to the management of Nayadanga Colliery of Messrs Coal Mines Authority Limited, Post Office Nirsachatti, District Dhanbad

AND

Their workmen.

APPEARANCES :—

On behalf of the management : Shri T. P. Choudhury, Advocate.

On behalf of the workmen : Shri J. D. Lal, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 26th August, 1977

AWARD

This is a reference under section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour under order No. L-20012/84/75/DIII/A dated New Delhi the 11th. The concerned workman Shri Mihir Kumar Mitra was appointed in the Nayadanga Colliery of M/s. Coal Mines Authority (which at present is Eastern Coalfields Ltd.). The schedule of reference is as follows :

SCHEDULE

“Whether the action of the management of Nayadanga Colliery of Messrs Coal Mines Authority Limited, Post Office Nirsachatti, District Dhanbad in terminating the services of Shri Mihir Kumar Mitra, Compounder, with effect from 17-1-1975 is justified? If not, to what relief is the concerned workman entitled?”

2. It is the common case of the parties that the concerned workman was appointed a compounder temporarily for a period of 3 months from 4-2-1974 to 4-5-1974 and this period was extended from time to time and lastly it was extended upto 16-1-1975. It is also the common case of the parties that the concerned workman is an unqualified compounder and even till the date of termination of his services he did not pass the qualifying test as required under the Pharmacy Act (VIII of 1948).

3. Case of Mihir Kumar Mitra is that the action of the management in terminating his services is illegal, mala fide and is violative of the terms of his appointment and the provisions of the certified standing orders. His contention is that as per terms of appointment and the provisions of the certified standing orders he ought to have been confirmed after completion of six months probationary period satisfactorily. Having worked continuously for about a year he became a member of the Coal Mines Provident Fund also.

4. It is contended that no notice as required under the provisions of the certified standing orders applicable to the colliery was given to him and on the above grounds he is entitled to reinstatement with back wages.

5. On behalf of the management it is said that throughout his appointment was temporary on casual basis as a qualified compounder was not available and each time that he was reappointed he was asked to qualify himself which he could not do. Ultimately, when a passed compounder was

available his services were terminated. It is said that being a casual employee no notice was required and his appointment came to an end as soon as the extended date expired.

6. The other point that has been raised on behalf of the management is that no demand was made by the concerned workman on the management after his services had been terminated. One Shri Kedar Pandey addressed a letter to the Assistant Labour Commissioner (C) Dhanbad, purporting to raise an industrial dispute between the management of Badjna Sub-Area and Shri Mihir Kumar Mitra represented by Bihar Colliery Kamgar Union, a copy of which was endorsed by the Asstt. Labour Commissioner(C) to them. This according to the management not a demand raising an industrial dispute with the management and accordingly the reference is invalid.

7. There is a rejoinder on behalf of the workmen stating that a dispute had in fact been raised with the management prior to the raising of the dispute before the Asstt. Labour Commissioner. It is said that in any case the reference does not suffer from any infirmity in view of the decision of the Patna High Court. It is further said that having worked as compounder continuously for more than 240 days termination of the workman's service amounted to retrenchment and the provisions of S. 25F of the I.D. Act having not been complied with, the retrenchment is illegal and void ab initio.

8. There is a rejoinder on behalf of the management as well stating therein that Shri Mitra was given fresh appointments from time to time for a period of 3 months to enable him to qualify as a compounder. As he did not pass the qualifying test, he could not have been confirmed, as confirmation in the job of this nature depends upon obtaining a necessary requisite qualification. No notice was necessary as his services had to be terminated, firstly, because he could not qualify as a compounder and secondly, because a qualified compounder became available.

9. From the record it appears that a dispute had been raised before the Assistant Labour Commissioner and I find from the failure report that case of the parties was precisely the same before him as it is here. This reference was made when he submitted a failure report.

10. On behalf of the workman he has examined himself. No witness has been examined on behalf of the management. Certain papers were called for on behalf of the workman and they have been produced and they are with respect to the appointment of the concerned workman, appointment of Shri Nagendra Nath Tewari and termination of the services of Shri Mitra consequent upon Shri Tewari's joining the appointment. Extract of the bonus register, extract of form 3 register and extract of salary sheet concerning Shri Mitra have also been produced.

11. Shri Mitra has stated his own case and says that he continued on his post till 16th January, 1975, when his services were terminated, but no notice was given to him nor wages in lieu of notice were paid to him. He says further that he did not get any retrenchment compensation. He has proved Ext. W-1, his representation to the Sub-Area Manager under his signature. In cross-examination he admits that he was aware that a pharmacist certificate is required for being appointed as compounder in Bihar. He says further that he was asked by the company to obtain certificate which he could not do and in his place Shri Nagendra Nath Tewari a passed compounder was appointed.

12. Under Section 42(1) of the Pharmacy Act it is said that on or after such date as the State Government may by notification in the Official Gazette appoint in this behalf no person other than a registered pharmacist shall compound, prepare, mix or dispense any medicine on the prescription of a medical practitioner. Under sub-section (2) it is provided that whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one thousand rupees, or with both.

13. The concerned workman has admitted that in the dispensary he used to have first aid materials like tincher ointments, fever and cough mixture, etc. Being a compounder under S. 42(1) of the Pharmacy Act which I have just now extracted above it was absolutely necessary for him to obtain Pharmacist certificate and that having not been done, he

could not have been employed in that capacity and his very initial appointment was illegal.

14. I, however, find that he was employed on casual basis as mentioned in his appointment letter for a period of 3 months and in the meantime he was asked to qualify otherwise he would be replaced with a qualified hand at the end of that period. The management has explained the circumstance in which his appointment was made and from the averments in the written statement it appears that he was reappointed for a particular period from time to time and the last appointment was upto 16-1-75 when a qualified hand was available and his services were terminated.

15. To me it appears that there is nothing illegal in the action of the management and he being a purely temporary hand having been appointed for a particular period his appointment automatically came to an end on the expiry of that period. He could not have been allowed to continue as he had not qualified himself as a qualified compounder as provided under Pharmacy Act. Question arises whether it was necessary to comply with the provisions of S. 25F of the I.D. Act, 1947.

16. A similar case came up before their Lordships of the Supreme Court (State Bank of India vs. N. Sundra Money) reported in 1976 (32) FLR 197. Mr. Sundra Money was appointed as cashier, off and on, by the State Bank of India between July 4, 1970 and November, 18, 1972. The terms of appointment are the following :

"(1) The appointment is purely a temporary one for a period of 9 days but may be terminated earlier without assigning any reason therefor at the Bank's discretion ;

(2) The employment, unless terminated earlier, will automatically cease at the expiry of the period, i.e. November, 18, 1972".

17. Their Lordships considered S. 25F(b) and S. 2(00) of the Industrial Disputes Act. With respect to the former the case of the Hospital Mazdoor Sabha reported in (1960) 2 SCR 866 was considered and they quoted the following observation that "The Section provides that no workman shall be retrenched until the condition in question has been satisfied. It is difficult to accede to the argument that when the section imposes in mandatory terms a condition precedent, non-compliance with the said condition would not render the impugned retrenchment invalid....failure to comply with the said provision renders the impugned orders invalid and inoperative".

18. Their Lordships also considered the import of the expression "for any reason whatsoever" occurring in section 2(00) and observed that the expression was very wide and almost admitting of no exception. According to them termination of the services of a workman "for any reason whatsoever" are the key words. Termination embraces not merely act of termination by the employer, but the fact of termination however produced. After considering the facts and law on the point their Lordships came to the conclusion that "in the particular facts and circumstances of this case, the respondent shall be put back where he left off, but his new salary will be what he would draw were he to be appointed in the same post today de novo. As for benefits, if any, flowing from service he will be ranked below all permanent employees in that cadre and will be deemed to be a temporary hand upto now. He will not be allowed to claim any advantages in the matter of seniority or other priority inter se among temporary employees on the ground that his retrenchment is being declared invalid by this court."

19. Facts of the case before me are similar. Appointment of the concerned workman was temporary for a particular period and therefore on the expiry of that period his services were terminated without complying with the provisions of S. 25F(b) of the I.D. Act. As per decision of the Supreme Court this termination will be invalid and inoperative as it being a retrenchment under S. 2(00) he was not paid retrenchment compensation and no notice was given to him and no wages in lieu of notice were paid. Therefore, the concerned workman is entitled to reinstatement but not on the post from which he was retrenched because he is not a qualified compounder. He will of course be employed somewhere in the colliery on any other equivalent post and will start getting the salary of that post as if his appointment is de novo. He will be ranked below all permanent employees in that cadre

and will be deemed to be a temporary hand. As was directed by the Supreme Court he will not be allowed to claim any advantage in the matter of seniority or other priority inter se among temporary employees on the ground that his retrenchment is being declared invalid by this court.

20. A point has been taken on behalf of the management that as no demand was raised with the employer before the matter came to the Assistant Labour Commissioner who submitted failure report, as per decision of the Supreme Court in the case of Sindhu Resettlement Corporation Ltd. vs. Industrial Tribunal, Gujarat and other reported in Vol. 7 SCLJ 792 the reference is invalid. In this connection I may refer to Ext. W-1 a representation submitted by the concerned workman to the Sub-Area Manager on 22-1-1975. The matter was taken upto the Assistant Labour Commissioner on 5-2-75. It means that a demand was made on the management prior to the representation to the Assistant Labour Commissioner. In such a circumstance it cannot be said that the case falls within the purview of the Supreme Court decision referred to above. The reference is very much valid.

21. Therefore, although as per terms of appointment action of the management of Nayadanga Colliery in terminating the services of Shri Mihir Kumar Mitra, Compounder w.e.f. 17-1-75 is justified, in view of the decision referred to above, he is entitled to the relief mentioned in the earlier paragraph.

This is my award.

S. R. SINHA, Presiding Officer
[No. L-20012/84/75-DIII-A]

S.O. 2996.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Loyabad Colliery of Messrs Bharat Coking Coal Limited, Post Office Bansjora, District Dhanbad and their workmen, which was received by the Central Government on the 31st August, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—NO. 1 AT DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 38 of 1977

(Ministry's Order No. L-20012/165/74/D. III. A. Dt. 19-6-1975)

PARTIES :

Employers in relation to the management of Loyabad Colliery of Messrs Bharat Coking Coal Limited, Post Office Bansjora, Dist. Dhanbad;

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—None.

INDUSTRY : Coal

STATE : Bihar

Dhanbad, the 24th August, 1977

AWARD

The Central Government, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act referred the following dispute for adjudication to the Central Government Industrial Tribunal No. 2, Dhanbad by its Order No. 1-20012/165/74-D. III. A. dated the 19th June, 1975, namely—

"Is the management of Loyabad Colliery of Messrs Bharat Coking Coal Limited, Post Office Bansjora, District Dhanbad, justified in not placing the following workmen in the category specified against each name in accordance with the Report of the Central

Wage Board for Coal Mining Industry ? If not, to what relief are the said workmen entitled ?

S.No.	Name of the Workman	Designation	Category claimed
1.	Sri Basir Mia	Electrician	VI
2.	Sri Shanker Bhandari	-do-	VI
3.	Sri Sotayan Sarkar	-do-	VI
4.	Sri A.K. Bhattacharjee	Elec. Helper	V
5.	Sri Joybahadur Pd.	Electrician	VI
6.	Sri Biswanath Banerjee	-do-	VI
7.	Sri Sultan Ahmed	-do-	VI
8.	Sri Chitranjan Ghosh	-do-	VI
9.	Sri Yakub Mia	-do-	VI
10.	Sri Jagarnath Ghosh	-do-	VI
11.	Sri Bimal Majumdar	-do-	VI
12.	Sri Dayamoy Mukherjee	-do-	VI
13.	Sri Kartic Bose	-do-	VI
14.	Sri Baleswar Dusad	-do-	VI
15.	Sri Suraj Kant Roy	-do-	VI
16.	Sri S.K. Sengupta	-do-	VI
17.	Sri Sadique Mia	Elec. Helper	V
18.	Sri Yusuf Ansari	-do-	V
19.	Sri Suresh Singh	-do-	IV
20.	Sri Anando Chatterjee	Electrician	IV
21.	Sri Krishna Prasad	-do-	IV
22.	Sri Abinath Mandal	-do-	V
23.	Sri Baijnath Dubey	-do-	V
24.	Sri Kartic Prasad	Mach. Fitter	VI
25.	Sri Bisu Mahato	-do-	VI
26.	Sri Safi Mohamed	-do-	VI
27.	Sri Anwar Mia	-do-	VI
28.	Sri Mohamad Mia	-do-	VI
29.	Sri Abdul Mia	-do-	VI
30.	Sri Kishun Pasi	-do-	VI
31.	Sri S. Narayan	-do-	VI
32.	Sri Mobarak Mia	-do-	VI
33.	Sri Abdul Rahim	-do-	VI
34.	Sri Anurod Pandey	-do-	VI
35.	Sri Anand Singh	-do-	VI
36.	Sri Sibapada Banerjee	-do-	VI
37.	Sri Ganesh Bouri	-do-	VI
38.	Sri Akbar Mia	-do-	VI
39.	Sri Ismail Mia	-do-	VI
40.	Sri Jabbar Mia	-do-	VI
41.	Sri Mohamad Hanib	-do-	VI
42.	Sri Ibrahim Mia	-do-	VI
43.	Sri Onab Mia	-do-	VI
44.	Sri Ahamad Mia	-do-	V
45.	Sri Sabitali Mia	-do-	V
46.	Sri Rampathi Yadav	-do-	V
47.	Sri Fazal Mia	-do-	VI
48.	Sri Adoward Kabhab	-do-	VI
49.	Sri Abdul Rahaman	-do-	VI"

2. The same was received by transfer from Tribunal No. 2 in this Tribunal on March 22, 1977 vide Government of India, Ministry of Labour, Order No. S-11025(1)/77-(i)-D.I V(B) dated 22-2-1977.

3. The General Secretary, Colliery Engineering Workers Association, alleged in his written statement that the previous owner of the Loyabad Colliery, before nationalisation, and the present owners, namely, B.C.C.L., after nationalisation, have given lower categories to the forty-nine workmen although they are entitled to higher categories; that the categorisation deserved by them is specified against their individual names in the Schedule to the reference; that the action

of the previous owner, as also of the B.C.C.L., in giving a particular category to one and another category to another is based on arbitrary pick and choose and is not based on any reasonable or scientific foundation, and hence the Tribunal should interfere and give them the categories claimed by them.

4. The B.C.C.L. has, on the other hand, pleaded that categorisation, like promotion, are purely managerial functions and the exercise of powers regarding these functions should not be interfered with unless the exercise is proved to be malafide or vindictive or smacking of unfair labour practice, and that the categorisation was done by the previous owner, and on its review, the B.C.C.L. has promoted some to higher categories where their cases were deserving but has not done so in the case of a large number of them because they are not entitled to promotion to a higher category on the basis of their work, efficiency, character, performance etc.

5. The General Secretary, Colliery Engineering Workers Association, did not put in appearance on May 21, 1977 but nevertheless he was informed that the case would be taken up next on June 18, 1977. He did not put in appearance even on that date and another registered notice was sent to him that the case would thereafter be taken up on August 16, 1977 for evidence and arguments; but he chose to remain absent even on the adjourned date. The result is that the adjudication has proceeded ex parte against the workmen, none of whom also cared to put in appearance.

6. The B.C.C.L. examined Krishna Mohan MW-1, the Personnel Officer of the Loyabadi Colliery. He has deposed that there is a Workshop in the Colliery but none of the involved workmen is a workman in the Workshop. These forty-nine workmen work in the Maintenance Section of the colliery and not in the Workshop. He has further deposed that the categorisation is proper, and what the workmen really want is promotion to higher categories and not proper categorisation because they already stand properly categorised. He is a responsible Officer and has no animus against any of the workmen. It is well-settled that whether a particular employee should be promoted from one grade to a higher grade, depends not only on the length of service but also on his efficiency and other qualifications for the higher post: to which he seeks to be promoted; and, in the matter of promotion, the intimate knowledge of the higher authority empowered to promote, has a greater value. In absence of a clear proof of mala fides or discrimination on extraneous grounds on the part of the management, it would be wholly inappropriate for any outside authority to attempt to weigh the relevant merits of the individuals who might be holding the higher posts and those who are aspiring for the same. Moreover, the determination of the size of the working force is the exclusive right of the management, and it is only when it is shown that the management is working with less men than necessary, that the workmen can claim that more posts of higher categories be created. Seniority alone is not everything. The other factors are efficiency, educational qualifications, character and the nature of responsibility required in connection with a particular category. In such matters discretion lies primarily with the management and it follows as a corollary that it is for the management to come to the conclusion as to whether a person is suitable for being appointed to a particular post. The above principles regulating promotion equally apply to categorisation or re-categorisation. The two are more or less in pari materia.

7. Keeping in view the above principles it should be obvious that whether we call it a case of promotion from a lower category to a higher category, as alleged by the management or re-categorisation from a lower category to a proper category as contended by the workmen, it is primarily a managerial function. The management has before it the necessary data regarding: the service record; the character rolls; the work performance; the slow or quick turn over; the lower or higher skill possessed; the superior or inferior efficiency etc. etc. It is in a better position to judge the question of promotion or re-categorisation, as the case may be. The Tribunal is hardly the authority to perform the managerial function, unless there is manifest proof that there is victimisation; there is unfair labour practice; there is malafides; there is want of bona fides; there is nepotism; there is favouritism or the kindred. There is no such case before me.

8. It has been said above that none of the workmen is a workman in the workshop of the colliery. The Electricians at serial nos. 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 have claimed Category VI. The basic wages of a Category VI workman are Rs. 17.70 per day with an increment of 73 paise per year and the maximum is Rs. 25 which is reached in a span of ten years. This is exclusive of fixed D.A., V.D.A. and Attendance Bonus. It is an electrician in a Workshop alone who is entitled to Category VI. See serial No. 4—Category VI—Page 50 and Serial No. 12—Category VI—Page 50 of Volume II of the Report of the Central Wage Board for the Coal Mining Industry. That being so, none of the electricians can either be promoted to Category VI or re-categorised from their existing categories into Category VI. Shankar Bhandari at serial no. 2 in the schedule has already been promoted to Category VI in the Workshop. The electricians at serial nos. 1, 3, 5, 6, 7, 8 and 9 are in Category V and the evidence shows that this category is the Category. The electricians at serial nos. 9, 11, 12, 13, 14, 15, 16, 17, and 18 are in Category IV and again the evidence shows that their categories are also proper. The electricians at serial nos. 4 and 23 were electric apprentices and drawing a salary of Rs. 100 per month in 1973 and now they have been categorised in Category II with a salary of Rs. 10.40 per day with an increment of 26 paise per year and with a maximum of Rs. 13 per day. The electricians at serial nos. 19 and 20 were electric helpers in Category II and are still Electric Helpers in Category II. The electrician at serial no. 22 was in Category I and is continuing in Category I. Serial no. 22 of Category II deals with an Electric Helper. A Category IV electrician is mentioned at serial no. 23—Category IV—Page 48. They are electricians who are in Category IV and who were recommended to be placed in the same category by the Wage Board. An electrician in Category V is at serial no. 11—Page 48 and the Wage Board recommended that all electricians in the then Category VII should be placed in Category V. Their pay scale is Rs. 14.50 per day with an increment of 55 paise per day with a maximum of Rs. 20/- per day. In any industrial establishment, there is a system of rationalisation. All hands cannot be placed in the highest category. Some will remain in the highest and some in a hierarchy of lower categories till they gather sufficient experience and become more ripe and mature for promotion. What should be the strength of each category is a discretionary matter of the management, depending upon the nature of the work required and the work load etc. The Tribunal cannot interfere in this except in special circumstances and for that there is no data laid in the instant case.

9. The Mechanical Fitters at serial nos. 24 and 47 were in Category V in 1973 and are continuing in that category. The mechanical fitter at serial no. 26 was in Category IV in 1973 but has now been given Category V. The mechanical fitters at serial nos. 25, 27, 28, 29, 30, 31, 34, 35, 42 were either in Category IV or in lower categories in 1973 but they are all now in Category IV. The workmen at serial nos. 32, 33, 36, 37 and 38 were Mechanical Helpers in 1973 in Category II who are now in Category IV. The workman at serial no. 39 was a Fitter Helper in Category II and is now a Pipe-fitter in Category IV. The workman at serial no. 40 was Water-Pipe Fitter in Category IV and continues to be in that category. The workman at serial no. 41 was a Pump Khalasi in Category III and is now a Mechanical Fitter in Category IV. The same is the case with the workman at serial no. 43. The workman at serial no. 48 was a Tyndal in Category IV and is now a Mechanical Fitter in Category IV. The workman at serial no. 44 is dead. The workman at serial no. 45 was mechanical helper in Category II and has now been promoted to Category IV. The workman at serial no. 46 was a mechanical helper in Category I and has now been promoted to Category II. The workman at serial no. 49 was a fitter in Category IV and is still a fitter in Category IV. The above facts will appear from Ext. M-1 which gives the brief history of each one of the 49 workmen. None of the workmen has appeared to give the basis for his claim. The B.C.C.L. has, on the other hand, given evidence to show that promotions were made, where indicated, and the categorisation of the remainder is proper.

10. In my view the claim of the workmen is unjustified.

11. My award is that the management of Loyabadi Colliery is justified in not placing the workmen in the various Categories claimed by them. This does not apply to Shankar

Bhandari who has already been given the category claimed by him; and no decision is given in the case of Ahmed Mja who is dead.

K. B. SRIVASTAVA, Presiding Officer
[No. L-20012/165/74-D. III A]

Delhi, the 14th September, 1977

S.O. 2997.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of East Basuria Colliery, Post Office Bansjora, District Dhanbad and their workmen, which was received by the Central Government on the 27th August, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 44 of 1977

Ministry's Order No. L-20025/17/75-D. III. A. Dt. 11-8-1975.

PARTIES :

Employers in relation to the management of East Basuria Colliery, Post Office Bansjora, District Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri T. P. Choudhury, Advocate.

For the Workmen.—Shri J. D. Lall, Secretary Bihar Colliery Kamgar Union, Dhanbad.

INDUSTRY : Coal

STATE : Bihar

Dhanbad, dated the 22nd August, 1977

AWARD

The Central Government, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act referred the following dispute for adjudication to the Central Government Industrial Tribunal No. 2, Dhanbad, by its order No. L-20025/17/75-D. III. A. dated the 11th August, 1975, namely—

"Whether the action of the management of East Basuria Colliery, Post Office Bansjora, District Dhanbad, of The East Basuria Colliery Company private Ltd., Netaji Subhas Road, Calcutta-1, taken over by the Central Government from 17th October, 1971, and now under the management of Messrs Bharat Coking Coal Limited, Sijua, Vihar Building, Post Office Jharia, District Dhanbad, in dismissing Shri Ch. Rahman Mia, Miner, with effect from the 4th July, 1970, is justified? If not, to what relief is the said workman entitled?"

2. The same was received by transfer from Tribunal No. 2 in this Tribunal on March 22, 1977 by Government of India, Ministry of Labour, Order No. S-11025(1)/77-(i)D. IV(B) dated 22nd February, 1977.

3. East Basuria Colliery formerly belonged to the East Basuria Colliery Company Private Limited. It was a non-coking coal mine. Its management was taken over by the Central Government on January 31, 1973 under section 3 of the Coal Mines (Taking over of Management) Ordinance, 1973. The ownership vested in the Central Government on May 1, 1973 under section 3 of the Coal Mines (Nationalisation) Act, 1973 and the ownership was subsequently transferred to the B.C.C.L.

4. The case of Chhota Rahman Mia is that he was a miner in East Basuria Colliery since the year 1962; that he had an unblemished record of service; that a charge-sheet Annexure 'A' was served on him on April 21, 1970 for commission of mis-conducts under clauses 10(h) 18(i) of the certified Standing Orders; that the gist of the charge was that he had absented himself from duty without permission during the period April 13, 1970 to April 20, 1970; that he had conspired with others to get himself marked present on duty during the period April 13, 1970 to April 16, 1970 and that in this manner he had committed the two misconducts aforesaid; that he submitted a reply denying the allegations but admitted that he was absent from duty on two dates only, namely, April 17, 1970 and April 18, 1970 and that also on account of sudden illness; that a domestic enquiry was held and he was dismissed from service on July 4, 1970; that his dismissal was illegal and unjustified because (a) the domestic enquiry was held in violation of the principles of natural justice inasmuch as he was not allowed an opportunity to examine his witnesses in defence, (b) the findings recorded were perverse and against the weight of evidence on the record, (c) the order of dismissal was not approved by the owner, or the agent or the mining engineer of the mine, (d) his unblemished record of service was not taken into consideration, (e) absence without leave for a period less than 10 days is not a mis-conduct, (f) there was no evidence of conspiracy and (g) in any case, the punishment of dismissal was wholly dis-proportionate to the gravity of the charge.

5. Notice was issued to the East Basuriya Colliery Company Private Limited but the company did not put in appearance and the matter has proceeded ex parte against it.

6. The claim of the workman has been resisted by the B.C.C.L. on the grounds that the dismissal took place prior both to the date of taking over of management and vestment of the colliery in the Central Government and since there was no relationship of employer and employee between the Government or the Government company and the workman, the Government company, namely, the B.C.C.L. is not liable under sections 7 and 28 of the Coal Mines (Nationalisation) Act, 1973 because it is not the successor-in-interest of the quondam owner, that the dismissal took place as early as the year 1970 and the reference was made as late as the year 1975 and due to this inordinate delay and laches, no part of the domestic enquiry record is available and no adjudication is possible.

7. The schedule to the reference shows that the burden to prove that the dismissal was justified, lies fairly and squarely on the quondam owner or may be, the present owner of the mine. It has been stated earlier that the erstwhile owner has remained absent throughout and has neither filed a written statement nor appeared to prove the justification of the dismissal. The B.C.C.L. has also not filed any documents nor has it adduced any oral evidence. The workman has also not produced any evidence, oral or documentary. In the circumstances, therefore, it must be held that the dismissal was unjustified. Besides the Standing Order is quite clear that it is absence for a continuous period of more than 10 days that constitutes a mis-conduct, but in the instant case, the absence, at the worst, was for 8 days only. I have no hesitation, therefore, in coming to the conclusion that Chhota Rahman Mia's dismissal was wholly illegal and unjustified.

8. The learned counsel for the B.C.C.L. has argued that no award can be passed against the Government company under section 7 of the Coal Mines (Nationalisation) Act, Section 7 reads thus :

"(1) Every liability of the owner, agent, manager or managing contractor of a coal mine, in respect of any period prior to the appointed day, shall be the liability of such owner, agent, manager or managing contractor, as the case may be, and shall be enforceable against him and not against the Central Government or the Government company.

(2) For the removal of doubts, it is hereby declared that—

(a) save as otherwise provided elsewhere in this Act, no claim for wages, bonus, royalty, rate, rent, taxes, provident fund, pension, gratuity or any other dues in relation to a coal mine in respect of any period prior to the appointed day, shall

be enforceable against the Central Government or the Government company;

(b) no award, decree or order of any court, tribunal or other authority in relation to any coal mine passed, after the appointed day, but in relation to any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government or the Government company;

(c) no liability for the contravention, before the appointed day, of any provision of law for the time being in force, shall be enforceable against the Central Government or the Government company." Reliance has also been placed on B.C.C.L. vs. Dhanbad Colliery, 1976 Lab. I. C. 1513. That case was under the Coking Coal Mines (Nationalisation) Act, 1972. Section 9 of that Act is more or less in pari materia with Section 7 of the Act in question. The Patna High Court has held that in the case of a workman who was dismissed before the appointed day, no award can be passed after the appointed day for his reinstatement against the Government company. The learned counsel for the workman argued that that decision turned on the interpretation of Section 9 of that Act and will not bind this Tribunal in so far as the interpretation of Section 7 of the Act in question is concerned. I do not think that this argument is correct. The language of the two sections is similar, if not identical, and the object of both the sections is the same. It is not possible for me to distinguish the case. However, as prayed, I am giving the gist of the argument of the learned counsel. His principal argument is that once it is held that the dismissal was unjustified, there would normally be an order of reinstatement and payment of full back wages. If there is reinstatement retrospectively from the date of dismissal, the result would be that the workman would be deemed to have continued in service till April 30, 1973 just prior to the date on which ownership vested in the Central Government. If that be so, Section 14 would come into play and B.C.C.L. will be bound to continue him in the employment. It is not that section 7 can control Section 14. Both sections have to be obeyed and in case there is any conflict or seeming conflict, the Tribunal should arrive at a harmonious construction so as to make it possible for both sections to be obeyed. It was further argued that if the two sections cut into each other, the latter section should be obeyed rather than the former one. As stated earlier, it is not for a subordinate Tribunal to go behind the verdict of the Patna High Court, to which it is subordinate, and I, therefore, refrain from expressing any view of my own.

9. My award is that the management of the East Basuria Colliery Company Private Limited was not justified in dismissing Chhota Rahman Mia with effect from July 4, 1970. He is entitled to get full back wages from July 4, 1970 to April 30, 1973 from Messrs East Basuria Colliery Company Private Limited. He is not entitled to any relief against the B.C.C.L. and since B.C.C.L. cannot be directed to reinstate him and since the quondam owner cannot now reinstate him, no award for reinstatement is given. He will be only entitled to his full back wages from the quondam owner for the period indicated above.

K. B. SRIVASTAVA, Presiding Officer.

[No. I-20025/17/75-DIIIA]

S. H. S. IYER, Desk Officer.

New Delhi, the 7th September, 1977

S.O. 2998.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Bombay in the industrial dispute between the employers in relation to the management of Bombay Port Trust, Bombay and their workmen which was received by the Central Government on 5th September, 1977.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT NO. 1, BOMBAY

Reference No. CGIT-49 of 1975

Employers in relation to Bombay Port Trust

AND

Their Workmen

APPEARANCES :

For the Applicant : Shri K. R. Dingle, Advocate.

For the Opp. Party : Shri R. K. Shetty, Legal Adviser, Bombay Port Trust.

INDUSTRY : Port & Dock.

STATE : Maharashtra.

Bombay, the 9th August, 1977

AWARD

1. In exercise of powers conferred by sub-section (d) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government has referred the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the punishment of dismissal imposed by the management of Bombay Port Trust, Bombay on Shri G. G. Landge, Tally Clerk, Docks Department, is justified taking all relevant matters into account ? If not, to what relief is the concerned workman entitled ?"

2. Shri G. G. Landge was posted at 16 ID during the day shift of 11th July, 1969 for warehousing cargo. The Shed Superintendent, Shri N. V. Joshi, directed Shri Landge to escort a motor lorry to an uncleared warehouse No. IID. The allegation was that Shri Landge refused to load torn and empty paper bags into the lorry and entered into an argument with the Shed Superintendent. In consequence some time was lost and after unnecessary and acrimonious arguments with the Shed Superintendent Shri Landge, with great reluctance, escorted the lorry at 4.00 p.m. from 16 ID to No. 1 uncleared warehouse and reached there at about 4.40 p.m. The Labour Supervisor of the Warehouse, Shri A. I. Shaikh asked his labourers to unload the package which were in sound condition and directed Shri Landge to take back the broken and empty package to No. 16 ID. It was alleged that Shri Landge refused to unload the packages which were in sound condition and took back the lorry to 16 ID. There he threw the loading sheet on the table of Shri N. V. Joshi, the Shed Superintendent and showed abuses on him.

3. Domestic enquiry was started where Mr. D. J. Collaco represented the Management whereas Mr. M. H. Inamdar represented the Transport & Dock Workers Union which had espoused the cause of Shri Landge. Shri Landge during the course of enquiry was termed as C.S.E. i.e. Charge Sheeted Employee. Details of the incidents will appear from the three charges which were framed against Shri Landge

CHARGE NO. 1

"The C.S.E. was posted at 16 A.D. on 11-7-69 in the 8.00 a.m. to 5 p.m. shift for warehousing cargo. Two trips were made in Lorry No. BMS 7287 to the Uncleared Warehouse, A.D. with paper bags. For the third trip, the C.S.E. was the escort. The lorry was loaded with paper bags and coil bundles at about 2.45 p.m. As the entire lot of paper bags was to be removed, the C.S.E. was asked to load the torn paper bags into the said lorry by Mr. N. V. Joshi, Shed Superintendent, 16 A.D., but the C.S.E. refused to load the torn paper bags into the lorry and wasted time from 2.45 p.m. to 4.00 p.m. The C.S.E. has thus committed the misconduct of wilful insubordination or disobedience of a lawful or reasonable order of a superior and of an act subversive of discipline.

CHARGE NO. 2

The C.S.E. escorted the third trip lorry to No. 1 Uncleared Warehouse from 16 A.D. with great reluctance at about 4.00 p.m. The lorry arrived at the Uncleared Warehouse at about

4.40 p.m. i.e., at the close of the shift. The lorry contained some broken packages which were empty. The Labour Supervisor, Mr. A. I. Shaikh, asked the mazdoors to unload the packages which were intact and the C.S.E. was asked to take the broken and empty packages back to 16 A.D. However, the C.S.E. refused to unload the packages and coil bundles which were in good condition despite the instructions of the Labour Supervisor Mr. A. I. Sheikh, and the Shed Supdt. Mr. G. H. Mulekar. The C.S.E. also failed to obtain the departure time of the lorry from the Uncleared Warehouse and escorted the lorry back to 16 A.D. This conduct of the C.S.E. amounts to wilful insubordination and disobedience, dishonesty in connection with Port Trust Work, acting contrary to the procedure applicable to the establishment, and to an act subversive of discipline.

CHARGE NO. 3

The C.S.E. brought the lorry back from No. 1 Uncleared Warehouse to 16 A.D. at about 4.45 p.m. and started abusing Mr. Joshi, Shed Supdt., 16 A.D. despite instructions to the contrary by Mr. Sarfarazalli, Asst. Manager. He abused Mr. Joshi in the presence of Mr. Marathe, Asst. Shed Supdt., Mr. Lobo, P. W. Clerk, and Mr. D. G. Chawan, B. P. T. Watchman. Because of the conduct of the C.S.E. described in Charges No. 1 and 2 above, the lorry had to be unloaded in the second shift at about 7.05 p.m. The C.S.E. has thus committed an act subversive of discipline, wilful slowing down in the performance of work and a serious offence against Conduct and Discipline Rules.

The C.S.E. pleaded not guilty."

4. Shri Landge pleaded not guilty. On the basis of evidence adduced before him, the enquiry officer found by his order dated 14-6-1973 Shri Landge guilty of the misconduct of (i) Wilful insubordination, abusing superiors (ii) Disobedience of a lawful order of a superior (iii) Act subversive of discipline and wilful slowing down in the performance of work (iv) Dishonesty in connection with Port Trust work and (v) Acting contrary to the established procedure.

5. Shri Landge was called upon to show cause by letter dated 6-7-1973. His reply to the show cause was not received till 18th of August, 1973 despite extensions of the time limit on two occasions. Accordingly the Docks Manager dismissed him from service with effect from 23rd August, 1973.

6. The Transport and Dock Workers Union (hereinafter referred to as the 'Union') took the matter to the Assistant Labour Commissioner in conciliation. But on submission of his failure report, the present Reference has been made.

7. The Union, in the statement of claim, has set out the following grounds seeking to set aside the order of dismissal :—

- (1) That the charges framed against the C.S.E. were vague and of indefinite expunge. No particulars thereof were furnished to the C.S.E. with the result that the defence of the C.S.E. was materially impaired.
- (2) That the C.S.E. was undefended and he could not participate in the enquiry proceeding for want of knowledge of the English language.
- (3) The Enquiry Officer overlooked the fact that the story as tried to be made out against the C.S.E. is not corroborated by any witnesses examined before him.
- (4) That material witnesses in the case have not been examined by the B.P.T.
- (5) The Enquiry Officer relied more on inferences than proof of charges alleged against the C.S.E.
- (6) The Enquiry Officer should not have conducted the Inquiry Proceedings against the C.S.E. in the absence of the Union Representative.
- (7) The Enquiry Officer was biased against the C.S.E. and passed irrelevant remarks and observations against the C.S.E.
- (8) The Enquiry Officer practically shut off the evidence of the C.S.E. by disallowing him to cross-examine the witnesses on the presumption that the C.S.E. was arrogant.

- (9) A number of material questions pertinent to the cross-examination were disallowed by the Enquiry Officer.
- (10) The lorry driver of BMS 7287—a material witness was deliberately not examined which caused great prejudice in defence of the C.S.E.
- (11) Material contradictions in the statements and evidence of the witnesses have not been considered.
- (12) The prosecution witnesses were allowed to introduce freely irrelevant and inadmissible material in their evidence.
- (13) The findings of the Enquiry Officer are contrary to be evidence on record.
- (14) That the punishment awarded to the C.S.E. is disproportionate to the alleged misconduct and length of service has not been considered while prescribing extreme punishment to the C.S.E.
- (15) The Enquiry Officer did not appreciate the fact that the C.S.E. was acting within the Rules and directions issued by the B.P.T. when he declined to load torn and empty paper bags.
- (16) That the C.S.E. committed no breach of duty in refusing to load the lorry with torn and empty paper bags as that would have been against rules and directions of the B.P.T.
- (17) That the entire inquiry proceedings were an empty formality and depugnant to judicial spirit and principles of natural justice.
- (18) That the inquiry proceedings were conducted in total disregard to the principles of natural justice.
- (19) No copies of statements made by the witnesses before cross-examination were furnished to the C.S.E. by the Enquiry Officer.

8. The Bombay Port Trust has filed a statement-cum-rejoinder wherein it is conceded that Shri Landge was dismissed from service after holding a full-fledged departmental enquiry into his conduct. By Memo dated 6-7-1973, Shri Landge was called upon to show cause within seven days as to why he should not be dismissed from service. At the request of the Transport & Dock Workers Union, the time limit for submission of his explanation was extended upto 29-7-1973. Since no explanation was forthcoming either from Shri Landge or the Union, the latter was informed on 10-8-1973 that if no explanation was received within three days, the proposed punishment of dismissal from service would be passed exparte. Neither the Union nor Shri Landge gave any reply and accordingly the Dismissal Order dated 18-8-1973 was issued. On 20-8-1973 a letter was received from the Union requesting inter-alia, to show leniency and sympathy in dealing with the case and also putting forward certain arguments against the verdict of the Enquiry Officer. The submissions made were carefully considered but it was found that there was no reason to alter the decision already taken by his letter dated 8-7-1974. Shri Landge appealed to the Chairman to review dismissal order and to reinstate him to duty. But the Chairman rejected the appeal and Shri Landge was informed accordingly. It is the case of the Management that the employee was represented by the representative of the Union during the enquiry and he cross-examined all the witnesses except Shri Shaikh at the departmental enquiry. The Union representative declined to attend the enquiry because of some dispute between the Union and Shri Landge over non-payment of Union's subscription and Shri Landge himself refused to cross-examine the witness. There existed sufficient evidence on record even if evidence of this last witness is excluded. The various grounds set out by the Union for setting aside the order of dismissal have been traversed and denied by the Management. It is stated that the charges Shri Landge were clear and definite and that the statement of allegations comprising of several documents on the basis of which the charges were framed was furnished along with the statement of the charges to Shri Landge. Of all the eight witnesses examined, seven were cross-examined by Shri Inamdar, a representative of the Union, except Shri Shaikh, the Labour Supervisor. He was not cross-examined due to the absence of the Union Representative and Shri Landge refused to cross-examine him. Shri Inamdar, the representative of the Union, had declined to attend the concluding stages of the enquiry owing to some

dispute which had arisen between Shri Landge and the Union over non-payment of Union's fees payable by Shri Landge. Shri Landge has passed the S.S.C. examination and, therefore, the plea of lack of knowledge of English language was not available to him. Evidence of Shri N. V. Joshi, Shed Supdt., has been corroborated by all the other departmental witnesses and their evidence was not demolished in the cross-examination. If any material witness was not examined by the Management, it was for the Union to have produced him. The Management denies that the Enquiry Officer was biased against Shri Landge rather it was Shri Landge who had behaved arrogantly with the Enquiry Officer and had refused to answer the questions put to him on the false plea that the Union Representative had instructed him not to answer any question. Question of shutting off evidence did not arise and that no material question pertinent to the cross-examination was disallowed. If the lorry driver was a material witness for the defence, the latter could have easily examined him. The allegation that material contradictions were not considered and prosecution witnesses were allowed to introduce freely irrelevant and inadvisable material evidence and that the finding of the Enquiry Officer is contrary to the evidence on record have been denied. The punishment also cannot be said to be disproportionate since during the course of 11 years' service there had been occasions for imposing the following punishment on him :—

- (i) By deducting his proportionate wages for deserting his post of duty on "no work no pay" basis;
- (ii) He was severely reprimanded by the Docks Manager for negligence in discharge of his duties;
- (iii) In the year 1973, he was reduced in the time scale by two stages for a period of one year.

Shri Landge cannot be said to be within the rules when he declined to load torn and empty paper bags since according to Shri Apte, the Labour Supervisor at the transit shed, necessary instructions had been given to Shri Landge for passing remarks on the loading sheet against packages that were damaged and as such it was Shri Landge's duty to pass the necessary remarks on the loading sheet. Lorry with the loaded bags was ready for despatch at 2.45 p.m. but delay was caused on the pretext of Shri Landge that the Lorry Chit Book was not available. It was traced by him at 3.45 p.m. from the table drawer. Shri Landge had refused to receive a copy of the notes of hearing on 25-1-1973 and 29-1-1973 from the enquiry officer saying that the Union Representative had instructed him to not to sign anything in acknowledgement of notes of evidence. Thus it was the employee himself who had refused to accept the notes of evidence when offered by the Enquiry Officer. Other irregularities alleged against the Domestic Enquiry have also been denied.

9. At the hearing for the workman following points were urged to show that the domestic enquiry suffered from various infirmities :—

- (1) Bias, (2) Extraneous considerations, (3) Inappreciation of the evidence adduced (4) Lorry Driver & Asstt. Manager, who were material witness, were not examined (5) Log Book of the lorry not produced, (6) Finding of the Enquiry Officer is perverse and (7) Punishment imposed is disproportionate.

10. I shall take up the points seriatim in the order as they have been set out above.

11. The enquiry was conducted by Shri D. A. Ferreira. On 11-10-1972 Shri Landge was examined and he admitted that he had received the Charge Sheet and the accompanying papers and pleaded not guilty to the three charges. It seems that this Enquiry Officer had been conducting another enquiry against Shri Landge and he made a note on 11-10-1972 that he will take up the present enquiry after finishing the report in the one that he has already heard. The argument is that since this officer had already conducted one enquiry against Shri Landge his mind had been biased and he should not have proceeded with this enquiry; rather he should have returned it.

12. Another fact that was brought to my notice was that in paragraph 8 of the report, the Enquiry Officer has stated that during the course of enquiry he found the behaviour of Shri Landge as "one of impudence and defiance. Although Mr. Collaco had stated that the union would not defend

the C.S.E. because he was in arrears with his Union Subscription, the C.S.E. defiantly refused to say if he had paid their fee."

13. I do not think that any of the grounds relied upon on behalf of the workman indicates bias of the Enquiry Officer against the workman. Nothing was pointed out to show that the Enquiry Officer imported his knowledge about the other enquiry against Shri Landge into the present one. If he kept the two enquiries separate and never allowed his mind to be influenced by what he had found in the previous enquiry, no charge of bias can be entertained against the Enquiry Officer. The Enquiry Officer was also within his rights to note down his opinion that he formed about the workman during the course of enquiry. He has disclosed the reason on account of which he called the behaviour of the workman as impudent and defiant.

14. Extraneous consideration is alleged because the Enquiry Officer, in the Order Sheet, has written about the reason of absence of Shri M. H. I. Inamdar, the representative of the Union that was espousing the cause of the workman. On 25-1-1973, the Enquiry Officer has written that the worker and Mr. Inamdar were absent and he found that this was the second adjournment at which Mr. Inamdar was not present. Since nothing had been brought to his notice as to why Mr. Inamdar and the workman were not present, the Enquiry Officer decided to proceed with the enquiry in their absence. At that stage, Mr. Collaco, who presented the case on behalf of the management, stated that the Union Representatives were not willing to defend Shri Landge as he had not been paid the union fee for two years. On the last occasion Shri Landge had assured Mr. S. R. Kulkarni that he would pay the dues within a week's time. Mr. Collaco had personally requested the workman to collect the amount from his friends as it not exceed Rs. 50. Mr. Inamdar had also confirmed that he was not willing to defend the worker for the above reason. It is in this circumstance that the enquiry officer decided to proceed in the absence of Mr. Inamdar. At about 3.20 p.m. the worker turned up saying that he had learnt that Mr. Inamdar had gone to Court and he did not know if any union representative would come to the enquiry that day. In such a circumstance, Mr. A. J. Shaikh, the Labour Supervisor at the uncleared warehouse was examined-in-chief. The worker did not like to cross-examine him since he said that Mr. Inamdar had asked him not to do so in his absence. The Enquiry Officer gave him one more opportunity and adjourned the case and made it clear that on that date the enquiry will be closed. The worker did not tell him whether he proposed to give any evidence or not. The enquiry was accordingly adjourned to 29-1-1973. On that date, the worker was present, but Mr. Inamdar was absent and the worker stated that in the absence of Mr. Inamdar he had no questions to ask. The Enquiry Officer repeatedly asked the worker whether he wished to lead any evidence or to make any statement. The worker refused to make statement saying that Shri Inamdar had instructed him not to speak a single word. Such being the attitude of the worker the enquiry was closed and the worker did not say anything as he had been instructed by Mr. Inamdar. I do not think the grounds on which the enquiry was closed can be said to import any extraneous consideration nor do they of infringe and principle of natural justice.

15. The following witnesses of the Transit Shed were examined at the enquiry :—

(i) N. V. Joshi, Shed Supdt.—his duty hours were from 8 a.m. to 5 p.m.

(ii) K. S. Mahadik, Shed Supdt., 16 A.D.—his duty hours were from 5 p.m. onwards.

(iii) Mr. H. F. Lobo, 1st Grade Clerk.

(iv) Mr. B. C. Apte, Labour Supervisor, 16 A.D.

(v) Mr. E.A.C. Anrade, Sorter, Docks Deptt.

16. The following witnesses of No. 1 Uncleared Warehouse were examined at the enquiry :—

(i) Mr. G. H. Mulekar, Shed Supdt.

(ii) Mr. A. J. Shaikh, Labour Supervisor (he was not cross-examined).

17. On behalf of the worker my attention was invited to evidence of some of the above witnesses and an attempt was made to show that evidence of some witnesses did not receive corroboration and that there were discrepancies and contradic-

sions in the evidence. N. V. Joshi has stated that on the way the lorry was detained by the workman at the Busle bridge from about 2.30 to 4.30 p.m. and that the lorry reached the uncleared warehouse at 4.30 p.m. and that Mr. Mulekar refused to allow the lorry to be unloaded as it had arrived late. It is said that there is no corroboration from the evidence of other witnesses. Even if there be no corroboration of the lorry having been detained near the bridge it has no material bearing to the charges in question. Further evidence of Mr. Joshi is that the reason why the workman was refusing to load the bags into the lorry was because the bags were torn. No doubt there were standing instructions not to accept the damaged, torn or broken packages, but there should have been no objection on the part of the workman since the loading had been done under the instruction of the Assistant Manager and that Shri Joshi had himself made remarks on the loading sheet showing as to how many bags were torn at that time and had initialled the same. His further evidence is that the unloading could not have been refused if the Warehouse Shed Superintendent had seen this loading sheet and if he had any doubt, he could have made enquiry from him on telephone. Comment was made that the lorry driver was not examined, nor the Log Book of the lorry produced. Record being had to the kind of charges that were being investigated omission to examine the lorry driver and non-production of the Log Book do not appear to be of any importance.

18. Evidence of Mr. H. F. Lobo was referred to show that it does not speak about the abuses said to have made by the workman to Mr. Joshi. Mr. Lobo, however, is quite clear that there was shouting at each other and that he could not follow what they were talking since their talks were in Marathi. He, however, is cleared that considering the position of the Shed Superintendent, he felt that the workman was clearly disrespectful.

19. Evidence of Mr. G. H. Mulekar is that the lorry arrived at 4.40 p.m. and ordinarily the delivery and receiving work is stopped at 4.30 p.m., but since this was a B.P.T. Lorry, he had to off-load the contents into the warehouse. Although there was a rule that empty packages should not be received in the warehouse without the instructions of a higher authority, he was prepared to allow the unloading to be done, had he been shown the loading sheet countersigned by the Shed Superintendent of the Transit Shed giving the instructions to accept these packages. A perusal of the evidence of this witness clearly shows that the loading sheet was not produced before him and as such he could not allow the unloading to be done. No doubt there is discrepancy in the testimony of Mr. Joshi and this witness as to the reason why the unloading could not be done, but the reason assigned by Mr. Joshi is what was stated to him by Mr. Landge. On this ground alone, evidence of either of the two witnesses cannot be viewed with suspicion.

20. Evidence of Mr. Anrade, the sorter is clear that there were a few bags which were torn and a few empty bags and the Shed Superintendent had made a mention of it in the loading sheet. A suggestion was given to him that bags were suspected to have been stolen. But the suggestion has remained a suggestion.

21. Evidence of Mr. B. G. Apte, the Labour Supervisor, is that at the time of loading he had expressed his difficulties that they were not supposed to load damaged goods. But he did not have any objection when Shri Landge was given permission to have the remarks mentioned on the loading sheet about the condition of the packages. It was after all this that the loading was done on the lorry and it was ready for despatch at 2.45 p.m. On the pretext that the Lorry Chit Book was not available, the worker delayed despatch of the lorry till 3.45 p.m. At 3.45 p.m. the Chit Book was found, but Shri Landge told Mr. Joshi that he will bring back the lorry to the shed for unloading and that the lorry started at 4 p.m. He is also clear that Shri Landge had lost his temper in the talks with Mr. Joshi.

22. I have set out above the evidence to which reference was made and on reading them I do not think that there was inappreciation of evidence on the part of the Enquiring Officer.

23. The management in its rejoinder has set out the kind of previous record that the workman possessed. He has been

found guilty of wilful insubordination, disobedience of a lawful order and other charges which were levelled against him. As such I do not think that the punishment imposed is disproportionate.

24. The matter can be judged from another point of view. The kind of approach that this tribunal should apply in matters of this kind has been clearly laid down by the Supreme Court. It was held in the case of Shri Anand Bazar Patrika and its employee (1963 II LLJ 429) "If the termination of an industrial employee's services has been preceded by a proper domestic enquiry which has been held in accordance with the rules of natural justice and the conclusions reached at the said enquiry are not perverse, the tribunal is not entitled to consider the propriety or the correctness of the said conclusions. If, on the other hand, in terminating the services of the employee, the management has acted maliciously or vindictively or has been actuated by a desire to punish the employee for his trade union activities, the tribunal would be entitled to give adequate protection to the employee by ordering his reinstatement, or directing in his favour the payment of compensation; but if the enquiry has been proper and the conduct of the management in dismissing the employee is not mala fide, then the tribunal cannot interfere with the conclusions of the enquiry officer, or with the orders passed by the management after accepting the said conclusions." It will be noticed that there is nothing to show that in the present case the Management acted maliciously or vindictively or was actuated by a desire to punish the workman for any Trade Union activity. The conduct of the Management also cannot be said to be *mala fide*.

25. In Indian Iron & Steel Co. Ltd. and their workmen (1958 I LLJ 260), it was held that the tribunal will interfere "(i) when there is a want of good faith, (ii) when there is victimization or unfair labour practice, (iii) when the management has been guilty of a basic error or violation of a principle of natural justice and (iv) when on the materials the finding is completely baseless or perverse." The present is not such a case. If the last witness on behalf of the Management was not cross-examined, the fault cannot be laid on the shoulder of the Management. Even if that witness is excluded there remained cogent evidence to warrant the conclusions arrived at.

26. For the above reasons it must be held that the punishment of the dismissal imposed by the management of Bombay Port Trust, Bombay on Shri G. G. Landge, Tally Clerk, Docks Department, was justified taking all relevant matters into consideration and that the workman is not entitled to any relief.

27. The reference is answered accordingly.

J. NARAIN, Presiding Officer
[No. L-31012(3)/75-D-IV(A)]
NAND LAL, Desk Officer.

New Delhi, the 8th September, 1977

S.O. 2999.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 1) Dhanbad in the industrial dispute between the employers in relation to the United Commercial Bank and their workmen, which was received by the Central Government on the 3rd Sept., 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL NO. 1, DHANBAD

In the Matter of a reference under section 10 (1) (d) of the Industrial Disputes Act, 1947

Reference No. 18 of 1974

Ministry's Order No. L-12012/140/73/IRII, dt. 18-12-1974.

PARTIES :

Employers in relation to the United Commercial Bank.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri Arun Ray and Shri G. C. Sen, officers of the Bank.

For the Workmen : Shri J. C. Padhiar, the concerned Workman.

STATE : Bihar INDUSTRY : Bank.

Dhanbad, dated the 29th August, 1977

AWARD

The Central Government, in exercise of the powers conferred by clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act has referred the following dispute for adjudication to this Tribunal, namely :—

"Whether the action of the management of the United Commercial Bank, Jamshedpur in terminating the services of Sarvashri J. C. Padhiar, Clerk, and Pashupathi Nath Singh, Peon, from the 13th June, 1972 and 26th July, 1973 respectively is justified? If not, to what relief are they entitled?"

2. The case of the United Commercial Bank (hereinafter referred to as the Bank) as against Padhiar is that he was appointed as a clerk on purely temporary basis during the period January 28, 1971 to March 24, 1971 in the leave vacancies of Mrs. Santham Narayanaswamy, T. N. Upadhyay and L.S. Gopalakrishnan. Thereafter he was given another appointment as a purely temporary clerk during the period April 13, 1971 and May 30, 1971 in the leave vacancies of L.S. Gopalakrishnan, Mrs. P. S. Indira, K. C. Dave and B. N. Bhowmick. He was given a third temporary appointment during the period June 7, 1971 to June 26, 1971 in the leave vacancy of N. P. Tripathy. A fresh temporary appointment was given to him during the period October 5, 1971 to November 5, 1971 in the leave vacancies of Mrs. Santham Narayanaswamy and Mrs. Yogambal Parasuraman. Another fresh temporary appointment was given to him during the period January 5, 1972 to April 4, 1972 in the leave vacancy of Mrs. S. N. Swamy. A final temporary appointment was given to him during the period April 20, 1972 to June 12, 1972 in the leave vacancy of Mrs. Yogambal Parasuraman. This temporary appointment was not extended any further beyond June 12, 1972. The Bank alleges that there was no termination of his service with effect from June 13, 1972 and what happened was an automatic end due to the efflux of time. The Bank has also alleged that there could be no question of absorption of Padhiar on a permanent footing as he had failed to qualify at the written test for recruitment of permanent clerical hands.

4. The Bank's case as against Singh is that he was appointed as a temporary peon during the period October 28, 1971 and January 4, 1972 in the leave vacancy of Chandar Singh; during the period February 28, 1972 to April 10, 1972 in the leave vacancy of Ramakant Rai; during the period May 3, 1972 to May 20, 1972 in the leave vacancy of Ratan Singh; during the period May 22, 1972 to July 24, 1972 in the leave vacancy of Ambika Prasad; during the period October 22, 1972 to October 28, 1972 in leave vacancy of Ramji Lal Singh; during the period November 17, 1972 to December 23, 1972 in the leave vacancy of Shiva Nand Dubey; during the period February 5, 1973 to April 10, 1973 in the leave vacancy of Chandar Singh; during the period May 23, 1973 to June 10, 1973 in the leave vacancy of Ramakant Rai; and during the period June 11, 1973 to July 25, 1973 in the leave vacancy of Ramji Lal Singh. His temporary services were not extended after July 25, 1973. It has further been alleged by the Bank that there was no question of the termination of his service also as his services came to an end by efflux of time caused by the non-extension of his last term. The Bank has then alleged that after the cessation of his service, Singh appeared at the written test for recruitment of subordinate cadre staff and qualified at the same and because of that has now been taken in the permanent service of the Bank since September 20, 1973.

5. A large number of legal pleas have also been raised by the Bank against both Padhiar and Singh. These pleas, in a nut-shell are : (1) Padhiar and Singh were not members of the United Commercial Bank Employees' Association, Jamshedpur and, therefore, the Association had no locus standi to sponsor their dispute, (2) the United Commercial Bank Employees' Association has no right to represent them in these proceedings under section 36 of the Industrial Disputes Act inasmuch as it is not registered trade union, (3) the reference had not been made under section 2A of the Industrial Disputes Act and as such the individual dispute

cannot be deemed by fiction of law to be an industrial dispute, (4) the United Commercial Bank Employees' Association was also not authorised to sponsor the dispute of Padhiar and Singh because it had not passed any Resolution for the espousal of their cause, (5) N. P. Tripathy, the authorised representative of the United Commercial Bank Employees' Association has resigned his membership of the Association and has also withdrawn his authorisation and, therefore, he cannot represent either Padhiar and Singh, (6) Padhiar has no right to authorise D. P. Roy, General Secretary, All India United Commercial Staff Federation to represent his case and D. P. Roy also has no authority to so represent him; (7) D. P. Roy has no authority to represent him also because the All India United Commercial Bank Staff Federation has not passed any Resolution authorising him to represent Padhiar; (8) Padhiar and Singh ceased to be workman under sec 2(s) of the Industrial Disputes Act and the reference is, therefore, without jurisdiction, (9) there is no industrial dispute within the meaning of section 2k of the Industrial Disputes Act as there can be no such dispute between non-workman and the management, (10) both Padhiar and Singh are estopped from raising the dispute because they had obtained payment of their salaries till the last date of their service and (11) they had withdrawn their claim before the A.L.C. during the course of conciliation proceedings and they are estopped from raising the dispute on that ground also.

6. Singh did not file any written statement and did not put in appearance on any date of hearing presumably because he has since then been re-employed as a permanent hand and has no interest left in this infructuous dispute. The matter has proceeded ex parte against him.

7. Padhiar has pleaded that he has put in a total period of service extending to 301 days against permanent vacancies and not against leave vacancies; that since he has completed more than 240 days of service, he is eligible for permanent absorption under paras 20.8 to 20.12 of the Bi-partite Settlement between the Bank and its workmen arrived at on October 19, 1966; that he is further entitled for permanent absorption under paras 20.8 to 20.12 of the Bi-partite permanent absorption under the Bank's circular dated July 7, 1972; that he had appeared at the written test on January 26, 1971 and had qualified and was thus entitled to permanancy; that the Bank has made temporary hands, similarly situated as him, into permanent hands which is highly discriminatory; that he has been victimised on account of his trade union activities; that he had raised an industrial dispute himself and also through the United Commercial Bank Employees' Association; that N. P. Tripathy's withdrawal is immaterial inasmuch as he can represent his case himself before the Tribunal; and hence he is entitled to reinstatement with continuity of service and full back wages.

8. In its rejoinder, the Bank has pleaded that the case of Padhiar is neither covered by the Bi-Partite Settlement nor by the circular letter; that Padhiar appeared at the written test held in May 1971 but failed to qualify at the same; that there was no test held on January 26, 1971; and that Padhiar is not entitled to any relief whatsoever.

9. At the instance of the parties, 12 issues were framed to cover the legal pleas. These issues are as follows :

(1) Is the reference invalid for the reason that the dispute is an individual and not an industrial dispute and the reference has not been made under Section 2A of the Industrial Disputes Act?

(2) Had the United Commercial Bank Employees' Association, Jamshedpur no locus standi to invoke the jurisdiction of the Central Government under Section 10(1)(d) of the Industrial Disputes Act?

(3) Is the United Commercial Bank Employees' Association a registered trade union? If not, has it no right to represent the workman?

(4) Was J. C. Padhiar a member of the United Commercial Bank Employees' Association? If not, can that Association represent him?

(5) Was a resolution passed by the general body of the United Commercial Bank Employees' Association or by its Executive Committee empowering the Secretary of the Association to represent J. C. Padhiar ? If not, its effect?

(6) Has the Association lost its right to represent J. C. Padhiar because of the resignation of N. P. Tripathi, the former Secretary ?

(7) Is D. P. Roy, General Secretary, All India United Commercial Bank Staff Federation not entitled to represent J. C. Padhiar ?

(8) Is the All India United Commercial Bank Staff Federation not empowered to represent J. C. Padhiar without passing a resolution to that effect ?

(9) Is J. C. Padhiar not a workman within the meaning of Section 2(s) of the Industrial Disputes Act ? If so, its effect ?

(10) Is J. C. Padhiar entitled to challenge the termination of his service ?

(11) Is there no industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act ?

(12) Is Sri R. K. Mukherjee entitled to represent J. C. Padhiar ?

10. Evidence on the legal issues was led earlier and the following findings were recorded on June 13, 1977 on these issues, namely :

Issue No. 1

The plea raised, in paragraph 2 of the written statement of the Bank, is that the reference relates to an individual, namely, J. C. Padhiar and since the same has not been referred under Section 2A, there is no industrial dispute and the Tribunal has no jurisdiction to decide it.

The contention of the representative of the Bank is that there are several factors contained in the order of reference itself which will go to show that the dispute referred is a collective dispute and not an individual dispute and, therefore, if the United Commercial Bank Employees Association can be put out of the way, J. C. Padhiar would not be competent to raise his individual dispute and the Tribunal will have no jurisdiction to go into the merits of the matter. The order of reference mentions that the Central Government was of opinion that an industrial dispute exists between the United Commercial Bank and their workmen. It also mentions that the reference was being made under Section 10(1)(d) read with Section 2A. Moreover, a copy of the reference was endorsed to the Secretary, United Commercial Bank Employees Association, and not to J. C. Padhiar in person. It is on the basis of the above facts that it is argued that no individual dispute ripening into an industrial dispute under Section 2A has been referred for adjudication. The order further mentions that the industrial dispute referred is specified in the Schedule. The Schedule mentions whether the action of the Bank in terminating the services of J. C. Padhiar was justified. The dispute referred, therefore, concerns a single workman though it was espoused by the Association. Reliance was placed on Swapan Das Gupta vs. The First Labour Court, 1976 Lab. I.C. 202, decided by the Calcutta High Court for the proposition that when a reference is not under Section 10(1)(d) read with Section 2A, that is to say, the reference has not been made on the ground that there is a dispute existing between the employer and the individual workman, the reference cannot be upheld under Section 2A. In taking this view, the High Court disagreed with the decision of the Madras High Court in Coimbatore Co-operative Milk Supply Union Ltd. vs. Siluvaimuthu, 1970 (II) LLJ 101. In that case, the dispute was whether the non-employment of seven workmen was justified and if not, to what relief each was entitled. The management pleaded that the reference was not valid because there was no industrial dispute. The Government took the stand that in making the reference, they had not invoked Section 2A of the Act. The management contended that the Labour Court, therefore,

could not sustain the reference under Sec. 2A. The Madras High Court held that the mere fact that the Government say that they did not mean to invoke Section 2A is immaterial. If the Court found that the Government had jurisdiction by virtue of Section 2A it was open to the Court to sustain the reference by reference to Sec. 2A. The same point came up for decision in the same High Court in Management of Pioneer K. Estate vs. Workmen of Pioneer K. Estate, 1974 (1) LLJ 332. In that case, the dispute was sponsored by the union though it related to a single workman. The representative character of the union was challenged and it was contended that the dispute referred to for adjudication was only an individual dispute but Section 2A had not been invoked and it would not be a collective dispute as the union was not of a representative character. The view expressed in the earlier case was followed and it was held that Section 2A would come into operation because the Government had the jurisdiction to make the reference under Section 2A. In Dunlop India Limited vs. B. D. Gupta, 1975 Lab.I.C.702, the dispute regarding termination was taken up both by the union as well as by the employee. It was argued that once it was shown that the union had taken up the matter and had espoused the dispute, the dispute became a collective dispute under Section 2(k) and cannot be said to be an individual dispute under Section 2A. This contention was repelled by the Delhi High Court by the observation that Section 2(k) defines an industrial dispute and Sec. 2A is merely an exception to it, and because by deeming provision it makes what is provided therein an industrial dispute, therefore, what is referred to under Section 10 is always an industrial dispute.

The wrong mention of a section or the omission to mention a section is never material. What is material is the nature of the dispute. The dispute is about the termination of service of J. C. Padhiar which is an individual dispute but which can become an industrial dispute under Section 2A without the assistance of the Association; and if the reference was made on the espousal of the Association and that espousal fails, the workman can always invoke the aid of Section 2A. I am in respectful agreement with the view expressed by the Madras High Court, and with all respect and in all humility, it appears that the Calcutta view is no the correct view of law.

The issue is decided against the Bank.

Issue No. 2

The case, taken in paragraph 2 of the written statement of the Bank, is that the dispute as mentioned in the reference is between the Bank and the United Commercial Bank Employees Association, as will appear from the endorsement of the reference to the Association, but the Association had no right to espouse the cause of J. C. Padhiar as there was no dispute about employment or non-employment in as much as the end of his services by efflux of time will not amount to termination. The matter was, however, argued from wholly different aspects.

The first aspect raised was that there is no community of interest between the Association and J. C. Padhiar. There can be no doubt that it is the community of interest of the class as a whole which furnishes the real nexus between the dispute and the parties to the dispute. Even a single employee's dispute may develop into an industrial dispute, when it is taken up by a union or a number of workers who make a concerned demand for redress. But the community of interest does not depend on whether the concerned workman was member of the union or not at the date when the cause occurred, for, without his being a member, the dispute may be such that other workmen by having a common interest therein would be justified in taking up the dispute as their own and espouse it. J. C. Padhiar was an employee in the Bank. His demand for continued employment can be a demand in which the other employees of the same Bank and particularly in the same branch of the Bank, may have common interest. Even before the insertion of Sec. 2A, it was held in Western India Match Company Ltd. vs. Western India Match Co. Workers' Union, 1970 (II) LLJ/256 that the community of interest did not depend on whether the workman was a member of the union, for, without his being a member

the other workmen may make common cause with him. Section 2A has introduced a fiction to the effect that an individual dispute concerning discharge, dismissal, retrenchment or termination are to be deemed an industrial dispute notwithstanding that no other workmen or any union of workmen espouse the dispute. The requirement of espousal, therefore, has lost its importance and relevance. The question is whether or not J. C. Padhiar had approached the Association for the espousal of his cause and whether or not the Association had taken a decision that it should be espoused. J. C. Padhiar has deposed that when his services came to an end, he wrote a letter to the Association to raise a demand for his reinstatement and upon his move, the Secretary of the Association wrote to the Bank about it. He, however, does not know if the Association passed any resolution for espousing his cause. I am not prepared to believe this statement of his because he has not filed an office copy of the letter that he sent to the Association. He did not summon the original letter from the Association or the other relevant records and explained his failure by stating that the Association had submitted the records to its Head Office at Calcutta. However, he has no explanation as to why he did not summon the records from the Head Office. Again, he stated that the Association took up the matter with the management but there is no evidence to support it. No office bearer of the Association was called to prove this fact. The office copy of the demand made by the Association, was also not called. No document was summoned from the management also to prove that such a demand had been made by the Association. That being so, no industrial dispute was raised by the Association itself and consequently there was no collective dispute.

However, an individual dispute was raised by J. C. Padhiar himself. He has deposed that he had taken up his case with the management. This was denied by MW-1 Madan Mohan Batra, the Jamshedpur Branch Manager. He stated that J. C. Padhiar had made no such demand upon him. He, however, admitted that he is not aware if he had made such a demand on the then Manager. It appears that a demand was made. J. C. Padhiar wrote a letter to the Regional Officer on January 28, 1973, Ext. W-25 is the registration receipt for the despatch of that letter. The Bank could have filed that letter to show that no demand was made. Ext. W-26 is a reply sent the letter dated January 28, 1973. Ext. W-27 is a reply sent by J. C. Padhiar to Ext. W-26. It appears that J. C. Padhiar had raised the dispute. In short, therefore, even if it cannot be treated as a collective industrial dispute, his demand can certainly be treated as an individual dispute becoming an industrial dispute by the force of Section 2A.

The issue is decided accordingly.

Issues Nos. 3 and 4

The plea taken by the Bank, in paragraph 2 of its written statement, is that the United Commercial Bank Employees Association is not a Registered Trade Union and, therefore, it has no legal right to represent J. C. Padhiar before the Tribunal under section 36 of the Industrial Disputes Act. The further plea taken in the same paragraph is that the Bank has no knowledge if J. C. Padhiar was a member of the Association on the date of the reference as he had ceased to be an employee of the Bank on June 13, 1972 and on that account also the Association is not competent to represent him in this Reference under the said section 36.

WW-2 J. C. Padhiar has deposed that the United Commercial Bank Employees Association is a Registered Trade Union, with its Head Office at Calcutta and a Branch Office, namely, the unit office at Jamshedpur; and that he was a member of the Jamshedpur Unit of the Association. I am not inclined to place reliance upon his testimony. He has no recollection as to the date, month and year when he became a member of the Association. He has no knowledge about the rate of membership subscription and whether it is annual or monthly. He stated that he paid a subscription of Rs. 7/- only but here again he was no recollection as to when he made the payment. He asserts that he was given a receipt but that has not been filed. It was suggested to him that he was not a member and never paid any subscription for it, but he denied that this was so. The certificate of registration of the Association has not been filed. Even the registration number is not known. No office bearer of the union was summoned to produce the certificate of registration, or the membership

register, or the subscription register or the counterfoils receipt book. All these facts were specifically challenged by the Bank and, therefore, a duty was cast upon J. C. Padhiar to prove his membership of the Association and the fact that it was a Registered Trade Union but, besides oral testimony, he took no step to summon the authentic records in proof of his assertion. I, therefore, hold that it has not been satisfactorily established that the United Commercial Bank Employees Association is a Registered Trade Union or J. C. Padhiar is a member of any such Association. Section 36 deals with the representation of parties. Clause (a) of sub-section (1) is to the effect that a workman who is a party to a dispute shall be entitled to be represented in any proceeding under the Act by any member of the Executive or other office bearer of a registered Trade Union of which he is a member. It has been held above that the Association is not a Registered Trade Union and it has also been held that J. C. Padhiar is not a member and, therefore, he is not entitled to be represented by any member of the Executive or other office bearer of the Association in the proceedings before me.

Issues Nos. 3 and 4 are accordingly decided in favour of the Bank.

Issue No. 5

The question raised in Issue No. 5 is whether or not the general body of the United Commercial Bank Employees Association or its executive committee passed any resolution empowering the Secretary of the Association to represent J. C. Padhiar in these proceedings under Sec. 36.

It has been held in connection with another issue that J. C. Padhiar was not a member of the United Commercial Bank Employees Association and that Association is not authorised to represent him under section 36(1)(a) and, therefore, this issue has become redundant and no finding is required.

Issue No. 6

The individual dispute of the workman J. C. Padhiar was sponsored by the United Commercial Bank Employees Association, Jamshedpur Unit and it is on the espousal of the Association that the Central Government made the present reference. N. P. Tripathi was to represent J. C. Padhiar in this reference in his capacity as the Secretary of the Association. He was, however, promoted as an Officer and resigned his membership of the Association. He also made an application on July 5, 1976 that because of his resignation, he has no authority left to appear on behalf of J. C. Padhiar and will no longer represent him in the Tribunal. J. C. Padhiar also made an application on July 16, 1976 mentioning the aforesaid facts and requesting permission to represent his case himself or to appoint another authorised representative. The Bank, in paragraph 4 of its written statement, has raised the plea that since the Association has withdrawn its support from J. C. Padhiar by the withdrawal of N. P. Tripathi from representation, the industrial dispute originally raised is no longer an industrial dispute and has, indeed, become an individual dispute and the reference has become invalid. J. C. Padhiar, in paragraph 17 of his written statement-cum-rejoinder, has denied the validity of this plea and has contended that even though the Association may have lost interest in his case, he is legally entitled to represent his own case and there can be no bar to that. There is no substance in the contention of the Bank. In Working Journalists of the Hindu vs. the Hindu, 1961 (I) L.J.288, the Madras High Court observed :

"It may be held that the jurisdiction of the Labour Court to proceed with the matter wholly depends on whether the industrial dispute referred to it for adjudication existed or was apprehended on the date of the reference and not on any subsequent date. Having regard to the relevant statutory provisions, it must be held that the jurisdiction of the Labour Court to proceed with and adjudicate upon an industrial dispute stems from and is sustained, until it makes an award and the same becomes enforceable, by the reference itself which has been made on the basis of an industrial dispute existing or apprehended on the date of the reference and that the jurisdiction of the labour court to proceed in the matter is not in any way affected by the fact that subsequent to the date of the reference, the workers or a substantial

ection of them, who had originally sponsored the cause, had later resiled and withdrawn from it." The same question came up before their Lordships of the Supreme Court also in *Bomay Union of Journalists vs. Hindut*, 1961 (II) LLJ.436. In confirming the view of the Madras High Court, their Lordships delivered themselves thus :

"In our view, these observations correctly set out the effect of a subsequent withdrawal of support by the workmen of a cause previously espoused by them. In each case in ascertaining whether an individual dispute has acquired to character of an industrial dispute, the test is whether at the date of the reference the dispute was taken up as supported by the union of the workmen of the employer against whom the dispute is raised by an individual workman or by an appreciable number of workmen." The same view was taken in *Indian Cable Company Ltd. vs. Its Workmen*, 1962 (I) LLJ. 409; *Rawalpindi Victory Transport Co. (P) Ltd. vs. Labour Court*, 1962 (I) LLJ. 552; *Kartar Bus Service Limited vs. Gurdial Singh*, 1963 (I) LLJ. 231 and *Binny Limited vs. Their Workmen*, 1972 Lab. I.C. 1141. In the instant case, the Association has not withdrawn its support and what has happened is that its Secretary has resigned from the Association and expressed his inability to represent the workman in the proceedings before me under Sec. 36 of the Industrial Disputes Act. The industrial dispute remains as it was and even if the Association itself decided to withdraw its support, by that fact the industrial dispute will not become an individual dispute, or cease to be an industrial dispute.

The issue is accordingly decided against the Bank.

Issue No. 7

The plea taken by the Bank, in paragraph 5 of its written statement, is that J. C. Padhiar has authorised D. P. Roy, General Secretary, All India United Commercial Bank Staff Federation, to represent him in the present proceedings but he has no locus standi to authorise him and D. P. Roy has no locus standi to represent him under section 36 of the Industrial Disputes Act.

Section 36(1) deals with the representation of a workman in a proceeding under the Act. It says that a workman who is a party to a dispute shall be entitled to be represented in any proceeding under the Act by—

- (a) any member of the executive or other office bearer of a registered trade union of which he is a member;
- (b) any member of the executive or other office bearer of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;
- (c) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed.

It has been seen in connection with my findings on Issues Nos. 3 and 4 that the United Commercial Bank Employees Association is not a registered trade union and J. C. Padhiar was not a member of any such union. That being so, there can arise no question of any affiliation of the United Commercial Bank Employees Association with the All India United Commercial Bank Staff Federation and it follows that D. P. Roy cannot represent J. C. Padhiar under clause (b) of section 36(1).

But where a workman is not a member of any trade union, section 36(1)(c) confers the right upon such a workman to be represented in any proceedings under the Act by an officer of any trade union connected with, or by any other workman employed in, the industry in which he is employed by authorising such a representative in the prescribed manner. Construing the language of clause (c), it is manifest that it applies to the case of a workman who is not a member of any trade union, much less a registered trade union. In other words, the right of being represented conferred by clause (c) is given to a workman who may be either a member of an un-registered trade union or of no trade union at all. The case of J. C.

Padhiar falls fairly and squarely within the ambit of clause (c). D. P. Roy, it is not denied, is an officer of a trade union, may be of a federation of trade unions, of this very Bank. This is clear from his evidence and there is nothing contrary to that. Even if he cannot represent J. C. Padhiar as an officer of the trade union, he is certainly a workman engaged in the Banking Industry and his case falls within the latter part of clause (c). J. C. Padhiar was also employed in the same Bank in which D. P. Roy was employed. Both of them are employees in the same Industry and, therefore, clause (c) confers a right upon J. C. Padhiar to authorise D. P. Roy to represent him and D. P. Roy gets an authority to represent him by the fact of authorisation under law. The representative of the Bank, however, argued that the authorisation must be in the prescribed manner and since the authorisation made by J. C. Padhiar is not in the prescribed manner, D. P. Roy is not legally entitled to represent him. Rule 36 of the Industrial Disputes (Central) Rules says that the authority in favour of a person to represent a workman in any proceeding under the Act shall be in Form F. The authority given by J. C. Padhiar reads : "with reference to the above case, I like to inform you that I authorise Mr. D. P. Roy, General Secretary, All India, U. C. Bank Staff Federation, 2, India Exchange Place, Calcutta-1 to represent my case before the Court." The letter of authority is not signed by D. P. Roy in token of acceptance. Nor has he filed any separate letter of acceptance. However, there are two applications dated October 14, 1976 in which he claims to be the authorised representative of J. C. Padhiar. Form F is slightly in different form than the authority letter issued by J. C. Padhiar as the Form mentions that the recipient of the authority should sign in token of acceptance. I think that the provisions of Rule 36 are mandatory when read with clause (c) of section 36(1) and non-compliance will render the authority invalid. In the circumstances, D. P. Roy has no authority at present to represent J. C. Padhiar. This does not, however, mean that he cannot appear in future if J. C. Padhiar gives him a fresh letter of authority in accordance with Form F.

The representative of the Bank further argued that the industrial dispute in question is a collective dispute and, therefore, the union which has sponsored the dispute can alone represent J. C. Padhiar and J. C. Padhiar has no right to represent the case either himself or through an authorised representative under clause (c). Reliance for this proposition of law was placed upon *Ram Prasad Vishwakarma vs. Industrial Tribunal*, 1961 (I) LLJ. 504. In that case, their Lordships of the Supreme Court held :

"It is now well-settled that dispute between an individual workman and an employer cannot be an industrial dispute as defined in Section 2(k) of the Industrial Disputes Act unless it is taken up by a union of the workmen or by a considerable number of workmen.... The necessary corollary to this is that the individual workman is at no stage a party to the industrial dispute independently of the union. The union or those workmen who have by their sponsoring turned the individual dispute into an industrial dispute, can therefore claim to have a say in the conduct of the proceeding before the Tribunal." Their Lordships proceeded to say that "while it will be unwise and indeed impossible to try to lay down a general rule in the matter, the ordinary rule should in our opinion, be that such representation by an officer of the trade union should continue throughout the proceedings in the absence of exceptional circumstances which may justify the tribunal to permit other representation of the workmen concerned". Their Lordships did not lay down any hard and fast rule. Their Lordship only held that ordinarily the individual workman should not be permitted to be represented by a person other than his union representative but the rule can be relaxed in special circumstances. In Ram Prasad's case, the union had filed the written statement on behalf of the workman and upto certain stage, he was represented by an officer of the union; and was only at a subsequent stage that he made an application for a different representation. The law laid down by their Lordships of the Supreme Court was followed by the Calcutta High Court in *Rajdeo Prasad vs. State of West Bengal* 1962 (I) LLJ. 618 and by the Patna High Court in *Dr. Chandra Kalan Jha vs. Sone Valley Port Ind. Cement Co. Ltd.*, 1962 (II) LLJ. 375 and again in *Kanai Chandra Ganguly vs. Presiding Officer*, 1971 (I) Lab. I.C. 369. In the instant case notice was issued to N. P. Tripathi, Secretary, United Commercial Bank Employees Association but he informed the Tribunal that he

had resigned from the Association and had withdrawn from representation in the case. It is a case, therefore, where the union which had sponsored the case is taking no interest at all. In Ram Prosad's case, and in the other cases cited above, the union continued to represent the workmen. It is a fit case, therefore, in which the Tribunal should permit J. C. Padhiar to take the benefit of clause (c).

Besides, a party has always a right to represent himself. That right is undoubtedly an effective right, a fundamental right and, as remarked in the case of Alembic Chemical Works, Co. Ltd. vs. P. D. Vyas, 1954 (I) LLJ. 148 a denial of that right is denial of justice. See also Printer (Mysore) (Pvt.) Limited vs. Labour Court, 1960 (I) LLJ. 201 Bihar Journalist J. d. vs. H. K. Chaudhuri, 1966 (I) LLJ. 789 and General Secretary Engineering Staff Union vs. Indian Hume Pipe Company Ltd. 1967 (I) LLJ. 139. J. C. Padhiar has contended that he has two options namely, to treat the dispute as a collective dispute in which case he can resort to section 36(i)(c) by appointing D. P. Roy to represent him, or he can treat it as an individual dispute under Sec. 2A and to represent it himself or to authorise D. P. Roy under Section 36(i)(c). I think his contention is well founded.

My finding is that the present representation of J. C. Padhiar by D. P. Roy is bad because the letter of authority is not in the prescribed manner and further because D. P. Roy has not accepted the authority by signing the letter in token of acceptance. It is open to J. C. Padhiar to remove this defect by a fresh letter of authority. In any case, it is open to him to represent himself.

The issue is decided in the manner indicated above.

■ Issue No. 8

The question raised in this issue is whether or not the All India United Commercial Bank Staff Federation passed any resolution for the representation of J. C. Padhiar under Section 36.

It has been found on another issue that the United Commercial Bank Staff Federation is not entitled to represent J. C. Padhiar under Section 36(i)(b). In the light of that finding, this issue has become redundant and requires no finding.

Issue No. 9

The plea taken by the Bank, in paragraph 2 of its written statement, is that J. C. Padhiar used to be given temporary employment for limited periods from time to time and when the last term expired by efflux of time, he ceased to be a workman within the meaning of Section 2(s) of the Industrial Disputes Act and as such the reference is bad because there can be a reference only in respect of an industrial dispute raised by a workman and not by a person who is not a workman.

Section 2(s) of the Industrial Disputes Act says that "workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to any Army Act.....or the Air Force Act.....or the Navy (Discipline) Act, or
- (ii) who is employed in the police service or as an officer or other employee of a prison, or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

The definition of the term "workman" is in three parts. The first part of the definition gives the statutory meaning of

workman; the second part is designed to include something more than what the term primarily denotes and the third part specifically excludes the categories of persons specified in clauses (i) to (iv). Looking to the words in clause (s), it is clear that there are the following classes of persons who fall within the definition—

- (1) a person employed in any industry,
- (2) any such person who has been discharged, dismissed or retrenched in connection with or as a consequence of the dispute, and
- (3) whose dismissal, discharge or retrenchment has led to the dispute.

The last two categories of persons are workmen in addition to the first category, for, it is a well-settled rule of construction that a part of a definition which is an inclusive definition as to the persons relating to whom a definition is given, other persons who otherwise would not be included, would be included. In this view, J. C. Padhiar would be a workman falling in the first and third categories for he was a person employed in an industry and whose non-employment has led to present dispute. In P. I. Mayekar vs. Amichand Narayan, 1956 (I) LLJ. 492, it was held that a workman as defined in section 2(s) meant any person who was employed at any time in an industry. It was further held that if he is specified in the definition of "workman" then whether he can raise an industrial dispute or not must be judged by the definition of "industrial dispute" given in section 2(k) of the Act. A person, therefore, who is dismissed or whom his employer declines to employ prior to the date when the dispute relating to his dismissal or non-employment is referred to by the Government, is a workman within the meaning of Section 2(s) of the Act. In Santa Cruz—Kalinla and Malad—Marwa Bus Service vs. their Workmen, 1954 (II) LLJ. 446, it was held that a discharged or dismissed employee can raise an industrial dispute relating to his non-employment. The same view was followed in R. K. Iyengar vs. Calcutta Chromotype Ltd., 1957 (I) LLJ. 565.

The representative of the Bank contended that J. C. Padhiar was neither dismissed nor discharged nor retrenched and, therefore, he is not covered by the inclusive part of the definition. The word "discharge" has not been defined by the Act. It is a term of wide amplitude which would mean to free from a charge, or to relieve from a charge or even to dismiss. There can be no denying the fact that J. C. Padhiar ceased to be in employment and that was the result of the fact that he was relieved of his charge. It is immaterial as to the manner in which this was brought about, but it was discharge all the same. I, therefore, hold that J. C. Padhiar is a "workman", within the meaning of Section 2(s) of the Industrial Disputes Act.

The issue is decided against the Bank.

Issue No. 10

The plea taken by the Bank, in paragraph 7 of its written statement, is that J. C. Padhiar ceased to be a workman on June 13, 1972 and took payment of his salary without any protest and he is, therefore, estopped from challenging the cessation of his service. The plea taken, in paragraph 9 of the written statement, is that there were two conciliation proceedings which ended on August 17, 1973 and October 22, 1973 respectively. During the course of the first conciliation proceedings, the Assistant Labour Commissioner reported as follows :

"It was pointed out to the union representative by the Assistant Labour Commissioner that since the services of the workman already terminated in June 1972 there can not be any dispute for regularisation of his service. The union is convinced and withdrawn the case." It was contended that in view of the withdrawal of the case from the conciliation proceedings, J. C. Padhiar is still estopped from challenging his cessation now and the reference is not maintainable on that account.

The Bank has taken no steps to produce a certified copy of the report submitted by the Assistant Labour Commissioner in connection with the first conciliation proceedings. The Bank has also not examined any witness to prove that there were two and not only one conciliation proceeding or to prove as to what transpired in the proceedings. The allegation contained in the written statement has thus remained mere allegation, without proof. In any case, the trend in recent decisions

is that application of technical rules such as *res judicata*, *acquiescence*, *estoppel* etc. are not appropriate to industrial adjudication. In *Guest Keen Williams (Pvt.) Ltd. vs. Sterling* 1959 (II) LLJ. 405, it was observed that industrial tribunals should be slow and circumspect in applying technical principles such as *acquiescence* and *estoppel*. See also *Shahdara (Delhi)—Saharanpur Light Railway Company Ltd. vs. Shahdara—Saharanpur Railway Workers' Union*, 1969 (I) LLJ. 734. Reference can also be made to *Workmen of Subong Tea Estate vs. Subong Tea Estate*, 1964 (I) LLJ. 333 and *Hind Strip Mining Corporation Ltd. vs. Raj Kishore Prasad*, 1967 (I) LLJ. 108. In the last two cases, a technical plea was raised that the workmen were estopped from challenging the validity of their retrenchments as they had accepted retrenchment compensations and it was held that such technical pleas are not generally entertained in industrial adjudications. The mere fact that J. C. Padhiar accepted payment of his salary on June 12, 1972 will not disentitle him from subsequently raising a dispute for continued employment. The law conferred on him that right and there can be no *estoppel* against the statute. Likewise, assuming that he had withdrawn his case from the conciliation proceedings, that fact alone will not amount to *estoppel* from raising a dispute.

The issue is decided against the Bank

ISSUE NO. 11

The plea raised, in paragraph 8 of the written statement of the Bank, is that the services of J. C. Padhiar were purely temporary and he never became permanent and since there was no condition of service conferring on him a right to claim continued employment there is no industrial dispute within the meaning of Section 2(k).

Section 2(k) defines "industrial dispute" as meaning any dispute or difference between.....employers and workmenwhich is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person. The definition can be divided into three parts, namely,—(1) the factum of dispute, (2) parties to dispute, which includes employers and workmen, and (3) subject-matter of the dispute, i.e., the dispute should be connected with (i) employment or non-employment, or (ii) terms of employment, or (iii) the conditions of labour. The key words of the definition are "dispute" and "difference", namely, a controversy connected with employment or non-employment or with the terms of employment etc. in respect of which the parties are directly interested in maintaining their respective contentions. There is certainly a difference between the Bank and J. C. Padhiar as they are sticking to their respective contentions about the points in dispute. The Bank's stand-point is that J. C. Padhiar was temporary employment from time to time and when the last extension came to an end, his appointment came to an automatic end. J. C. Padhiar's case is that he had served for a total period of 301 days and had become eligible for permanent absorption in terms of the Bank's circular letter. Whether or not, J. C. Padhiar's contention is correct, is a matter which can be decided on merits but it cannot be said that there is no dispute or difference between him and the Bank. He was in employment of the Bank and is not in employment since June 13, 1972. The dispute is, therefore, regarding "non-employment." The dispute is also in respect of the "terms of employment" on the question of permanent absorption under the circular letter. The words "employment or non-employment" are words of the widest amplitude and have been put in juxtaposition to make the definition thoroughly comprehensive. In *Western India Automobile Association vs. Industrial Tribunal*, 1949 LLJ. 245, the Federal Court discussed the import of these words and para-phrased the definition as "any dispute which has connection with the workmen being in, or out of service or employment." I am of the view, therefore, that there is an industrial dispute.

The issue is decided against the Bank.

ISSUE NO. 12

Sri R. K. Mukherjee and Sri D. P. Roy appeared before the Tribunal on December 27, 1976 to represent J. C. Padhiar under Section 36. Admittedly, Sri R. K. Mukherjee is an Advocate. Sri Arun Ray, the Bank's representative, immediately raised an objection to the appearance of Sri R. K. Mukherjee. Sri D. P. Roy thereupon took the stand that Sri R. K. Mukherjee was entitled to appear because he was an Honorary member of the All India United Commercial

Bank Staff Federation, a fact which was seriously challenged by Sri Arun Ray. The evidence of Sri D. P. Roy was, therefore, recorded. He deposed that Sri R. K. Mukherjee was an Honorary member of the Federation. Honorary membership is permitted by clause (e) of Section 6 of the Trade Unions Act, 1926. Sri D. P. Roy deposed that Honorary members can be admitted to the Federation by its Executive Committee and subsequently the membership has to be approved by the general body. No papers, however, were filed by him to show that Sri R. K. Mukherjee had been admitted as an Honorary member by the Executive Committee and his membership has been confirmed by the general body. On the next date of hearing, Sri Roy produced two papers which are minutes of meetings held on November 14, 1975 and May 30, 1976. The originals were not produced and no attempt was made to prove the filed documents in any other manner also. Assuming them to be genuine, these papers show that the Executive Committee accepted him as an Honorary member on November 14, 1975 and the Executive Committee itself confirmed him as such on May 30, 1976. Sri R. K. Mukherjee was thus not confirmed by the general body but by the Executive Committee itself. Besides, it has been found elsewhere that the All India United Commercial Bank Staff Federation is itself not entitled to represent J. C. Padhiar and, therefore, neither Sri D. P. Roy in his capacity as General Secretary nor Sri R. K. Mukherjee as an Honorary member can represent J. C. Padhiar. Section 36(1)(b) says that a workman can be represented by a member of the Executive Committee or by some office bearer of the Federation and not by an Honorary member. There is nothing to show that Sri R. K. Mukherjee is a member of the Executive Committee of the Federation or he is an office bearer within the meaning of clause (b) of Section 2 of the Trade Unions Act which says that "office bearer" in the case of a Trade Union includes any member of the Executive thereof, but does not include any auditor. Sri D. P. Roy has not shown as to in what manner Sri R. K. Mukherjee is an office bearer. It is not necessary, therefore, to enter into the question whether Sri R. K. Mukherjee has been authorised by means of a resolution to represent J. C. Padhiar before me.

The issue is decided in favour of the Bank.

11. Having decided the various legal issues in the proceedings, I will now take up the decision of the remaining matters in the reference.

12. The first question is as to what is the method adopted by the Bank for recruitment of permanent employees. The Sastry Award suggested in para 493 "that Banks in their own interests should, in case of a reasonable number of vacancies, advertise them and then make appointments after passing the candidates through such tests as they may consider necessary." Since the recruitment policy of Banks did not fall within the ambit of the terms of reference of the National Industrial Tribunal (Bank Disputes) presided over by Justice Desai, his award, vide para 23.28 mentions that he had no jurisdiction to entertain the demands in connection therewith: and declines to give any directions in this regard. The Bank's recruitment policy is not different from the provisions contained in the Sastry Award. M. V. Sonalkar MW-2 has deposed that when the Bank wants to recruit clerical staff on a permanent basis, advertisements are issued in Newspapers and notices are circulated in the branches of the Bank, inviting applications for various posts. These applications are screened to sort out candidates eligible for written test. The written test is then held, and one paper is set for English and second for arithmetic, each carrying 50 marks. A candidate must obtain 40 per cent of marks in each paper and an aggregate of 50 per cent in the two to become qualified to be called at the viva-voce or oral test. Those who have qualified at the written test are called for the interview. Such of the candidate as qualify at both the tests, are then empanelled in order of merit; and appointments are made, as and when a vacancy occurs, strictly in order of merit. This evidence has remained uncontested. Padhiar has not said a word that there is any different method of recruitment. I, therefore, hold that the Bank recruits permanent employees in the manner, stated above.

12. The next question is as to whether Padhiar ever appeared at any such test and ever qualified thereat. He has deposed as WW-1 that at the time of his initial appointment in January, 1971, he had appeared in such a test and was given the appointment after he had qualified at that test.

M. V. Sonalkar MW-2 has denied this fact and stated that no test whatsoever was held, and, as a matter of fact, a Branch Manager, which office he held at Jamshedpur at the material time, had no authority to hold a test for recruitment of employees for permanent absorption. According to him; what happened was that there were 3 or 4 candidates for temporary appointment and since he was unable to judge which one to appoint, he put 2 or 3 questions in writing to enable him to come to a decision as to whom to appoint. He further deposed that it was wrong to say that it was a regular test or Padhiar had stood first at any such test and that the appointment was given to him not because he had qualified at any test but because he was immediately available, as he was residing at Jamshedpur, while the other 2 or 3 were not readily available and the temporary vacancy required immediate filling up. He has then gone on to depose that written and viva-voce test was actually held at Dhanbad in May 1971. Padhiar made an application Ext. M-35 in the prescribed form for permission to appear at the test at Dhanbad and his Roll No. was 94. He actually appeared at the test but, as the result-sheet Ext. M-36 would show he failed to qualify at the written test and consequently he was ineligible to be called for the viva-voce test. Ext. M-36 shows that he had obtained 9 marks in English i.e., less than 40 per cent mark; 18 marks in Arithmetic, which was also less than 40 per cent; 27 marks in total which was less than 50 per cent aggregate, and that he had failed at the written test. Padhiar does not deny his appearance at the Dhanbad test. It is apparent that if he had qualified at the written test and at a viva-voce test at Jamshedpur in January 1971, he would not have appeared at the Dhanbad test in May 1971. No one will appear at a successive examination if he had passed an earlier examination. Padhiar attempted to explain this away by saying that it was his privilege to appear at such tests ad infinitum and no one could prevent him from appearing. This is hardly a convincing explanation. It appears to me that his plea that there was a regular test at Jamshedpur is untrue. He does not say that a written test was followed by viva-voce, and it is these two which are constituent parts of the test. It appears that Sonalkar had to choose one from a batch of 3 or 4 and he only judged their prima-facie worth by an informal test. Padhiar cannot, therefore, claim that he was selected in January 1971 for permanent absorption on the basis of a regular test.

13. The next question is as to the nature of his appointment, i.e., whether notwithstanding non-qualification at any test, he was given a permanent employment against a permanent vacancy, or a temporary employment against a permanent vacancy, or a temporary employment for a fixed duration or against a leave vacancy, even though in the absence on leave of a permanent employee. Ext. M-1 (same as W-1) is the first letter of appointment. It appears that Padhiar had come to know about a vacancy and made an application for appointment on January 25, 1971. Ext. M-1 says "with reference to your application dated 25-1-1971 we have pleasure in appointing you as a temporary clerk.... from 28-1-1971 to 20-2-1971.....Your appointment will be on a purely temporary basis and is liable to be terminated at any time in the Bank's discretion without any notice or salary thereof..... If you accept the above offer, please return the duplicate of this letter duly signed in token of such acceptance." This temporary appointment was extended from 21-2-1971 to 24-3-1971 on the same terms and conditions and he was again asked to return the duplicate in token of his acceptance. See Ext. M-2 which is the same as Ext. W-2. Ext. M-3 (W-3) shows that he was relieved from his service in the afternoon of March 24, 1971. It appears that Padhiar made a fresh application Ext. M-32 on 13-4-71 and was appointed by Ext. M-4 (Ext. W-4) dated 13-4-71 as a temporary clerk from 13-4-71 to 30-4-71 on the same terms and conditions as have been referred to above in connection with Ext. M-1. This term was extended from 1-5-71 to 7-5-71 by Ext. M-5 (W-5); from 8-5-71 to 20-5-71 by Ext. M-6 (W-6), and from 21-5-71 to 30-5-71 by Ext. M-7 (W-7) on the same terms and conditions. He was relieved in the afternoon of May 30, 1971 by Ext. M-8 (W-8). There was a break of 7 days thereafter. Padhiar made another application Ext. M-33 on 7-6-71 for a fresh appointment and he was appointed as temporary clerk from 7-6-71 to 21-6-71 by Ext. M-9 (W-9) on the same terms and conditions as are mentioned in Ext. M-1 and M-4. This term was extended from 22-6-71 to 24-6-71 by Ext. M-10 (W-10) and from 25-6-71 to 26-6-71 by Ext. M-11 (W-11). He

was relieved in the afternoon of 26-6-71 by I.M. M-12 (W-12). It then appears that he made yet another application on 5-10-71 after a break of a few months for a fresh appointment. He was given an appointment as a temporary clerk on the basis of that application from 5-10-71 to 5-11-71 by Ext. M-13 (W-3). Ext. M-14 (W-14) shows that he was relieved in the afternoon of 5-11-71. He made yet another application for a fresh temporary appointment on 5-1-72. Ext. M-15 (W-15) shows that he was given the appointment as a temporary clerk from 5-1-72 to 20-1-72. The terms and conditions are the same as mentioned in Ext. M-1, M-4 and M-9. The term was extended from 21-1-72 to 4-2-72 by Ext. M-16 (W-16); from 5-2-72 to 19-2-72 by Ext. W-17; from 20-2-72 to 5-3-72 by Ext. W-18; from 6-3-72 to 20-3-72 by Ext. M-17 (W-19) and from 21-3-72 to 4-4-72 by Ext. M-19 (W-21). It then appears that he made another application on 20-4-72 for a fresh temporary appointment. Ext. M-20 (W-22) shows that he was given the appointment of a temporary clerk from 20-4-72 to 19-5-72 on the terms and conditions mentioned in Ext. M-1, M-4, M-9 and M-15. The term was extended from 20-5-72 to 12-6-72 by Ext. M-21 (W-23). Ext. M-22 (W-24) shows that he was relieved on 12-6-72 in the afternoon and no appointment was given to him after that date. The above narration will show that Padhiar was given appointments from time to time; sometime in continuation; at times after break; the appointments were for limited periods; the appointments were as a temporary clerk; and every time he accepted the imposed terms and conditions. The Bank's case is that all these appointments were against leave vacancies as a purely temporary measure whereas Padhiar's case is that the appointments were undoubtedly temporary but these were against permanent vacancies and not against leave vacancies. The Bank has produced the leave records of various permanent employees. Ext. M-24 is in respect of Basudev Bhowmick, Ext. M-25 in respect of Mrs. P. S. Indira, Ext. M-26 in respect of Mrs. Yogambal Parasuraman, Ext. M-27 in respect of L. S. Gopalakrishnan, Ext. M-28 in respect of Mrs. Santham Narayanaswamy, Ext. M-29 in respect of T. N. Upadhyaya, Ext. M-30 in respect of K. C. Dave and Ext. M-31 in respect of N. P. Tripathi. Madan Mohan Batra MW-1 has deposed that Mrs. Santham Narayanaswamy was on leave from 25-1-71 to 5-3-71; T. N. Upadhyaya from 11-3-71 to 20-3-71; L. S. Gopalakrishnan from 22-3-71 to 5-5-71; Mrs. P. S. Indira from 5-4-71 to 7-5-71; K. C. Dave from 20-4-71 to 9-5-71; B. N. Bhowmick from 7-5-71 to 17-5-71; N. P. Tripathi from 5-6-71 to 24-6-71; Mrs. Santham Narayanaswamy from 6-10-71 to 31-3-72; Mrs. Yogambal Parasuraman from 18-11-71 to 21-12-71 and from 3-1-72 to 5-6-72. He has further deposed that this statement of his is based on the leave records Ext. M-24 to M-31 and the Attendance Register Ext. M-23. When one looks into the relevant pages of the Attendance Register or the leave records, there is no doubt left that the oral testimony of M. M. Batra is amply corroborated by the contemporary documents kept in the regular course of business. M. V. Sonalkar MW-2 is the next witness on the nature of the various appointments given to Padhiar from time to time, whether in continuation or after breaks. He was the Branch Manager of the Jamshedpur Branch in a major portion at the material time. He has deposed that his appointments were in leave vacancies. As against their oral evidence, Padhiar as WW-2 has deposed that his appointments were against permanent vacancies but the Bank never appointed him as a permanent employee against these permanent vacancies and he had to take up his grievance with the Regional Manager, Patna and the Head Office at Calcutta but he was not favoured with a reply by either of them.

14. Now, there are several reasons why I am of the view that Padhiar's appointment was always temporary, even though against a vacancy created by the absence on leave of a permanent employee. Firstly, the various letters of appointment indicate that (i) the appointments were for limited periods, (ii) they were always revocable even during the period of the appointments, (iii) the revocation was absolutely at the discretion of the Bank, and (iv) Padhiar always accepted these as terms and conditions of his various appointments. No one is appointed as a permanent employee for a limited period; no permanent employee's service is revocable in the discretion of the employer; and no permanent employee can be given a break or breaks from time to time at the whim of the employer. Ext. M-37 is the standard form

of an appointment letter of a permanent employee. It mentions that such an appointment is made after a written test and interview; the employees are kept on probation for six months; confirmation depends on satisfactory work during the period of probation; there is a provision for deposit of security for due and faithful performance of duties etc. etc. These are different in various aspects from the terms and conditions of service of a temporary employee; and the difference will appear from a comparison of Ext. M-37, with the temporary appointment letter Ext. M-1. Secondly, when does a permanent vacancy arise? It would arise in the case of superannuation, compulsory retirement due to physical imbecility or infirmity etc., promotion, resignation or death etc. It is true that the vacancies were created against permanent posts but the permanent incumbents have not been shown to have superannuated, compulsorily retired, promoted and confirmed, resigned or died. So the vacancies were temporary against permanent posts and the appointment were temporary against permanent posts. Padhiar had even to admit that he was never appointed permanently. Indeed, Ext. M-34 shows that Padhiar was appointed in a leave vacancy of N. P. Tripathi. Moreover, the management is in a better position to know about the nature of vacancies than Padhiar and I see no reason why the reliable evidence of two Branch Managers should be discarded in preference to the interested evidence of Padhiar. Padhiar had admitted in Ext. W-27 that he had always been working from time to time in temporary appointments. Thirdly, when we look to the definition of "permanent employee", "probationer", and "temporary employees", it will at once appear that Padhiar's case is covered by the definition of "temporary employee". The Sastry Award defined the term "permanent employee" as meaning "an employee who has been appointed as such by the Bank". See para 508(a): "probationer" as meaning "an employee who is provisionally employed to fill a permanent vacancy or post and has not been made permanent or confirmed in service." See para 508(b). Obviously Padhiar was not appointed by the Bank as a permanent employee as such; nor was he appointed over to fill a permanent vacancy or post but only to fill a temporary vacancy caused by the absence of a permanent employee and such absence cannot be called a permanent vacancy. "Temporary employee" has been defined as "an employee who has been appointed for a limited period for work which is of an essentially temporary nature, or who is employed temporarily as an additional employee in connection with a temporary increase in work of a permanent nature." The Desai Award has adopted the definitions contained in the Sastry Award in respect of the terms "permanent employee" and "probationer" but has departed slightly from the definition of "temporary employee" as contained in the Sastry Award. The Desai Award has added the words "an includes an employee other than a permanent employee who is appointed in a temporary vacancy of a permanent workman" at the end of the definition in the Sastry Award. The definition has undergone a further change in the Bi-partite Settlement between certain Banking Companies and their workmen, to which the Bank and its workmen were also parties. This settlement was arrived at on the 19th October, 1966 and is still in force vide para 27.7. The present definition of the term "temporary employee" is given in para 20.7 as "a workman who has been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent nature and includes a workman other than a permanent workman who is appointed in a temporary vacancy caused by the absence of a particular permanent workman." Padhiar's case is covered by the latter part of the definition as a workman other than a permanent workman who was appointed from time to time temporary vacancies caused by the absence of particular permanent workmen. The result is that Padhiar was never appointed as a permanent employee and his various appointments were on purely temporary basis for limited periods in temporary vacancies caused by the absence of permanent employees.

15. Padhiar's case is that he was eligible for absorption as a permanent employee in terms of para 20.8 to 20.12. Para 20.8 says that "a temporary workman may also be appointed to fill a permanent vacancy provided that such temporary appointment shall not exceed a period of three months during which the Bank shall make arrangements for filling up the vacancy permanently. If such a temporary workman is eventually selected for filling up the vacancy,

the period of such temporary employment will be taken into account as part of his probationary period." Undoubtedly Padhiar was a temporary workman but he was not appointed to fill a permanent vacancy. His appointment was to fill a temporary vacancy. Much stress was laid on the provision that such appointment will not exceed a period of three months. Assuming, that it exceeded three months, nothing turns upon that because firstly the appointment was not to fill a permanent vacancy and secondly because the period of three months is like a breathing time given to the Bank to make arrangements for filling up the vacancy permanently. This breathing time can be used only if there is a permanent vacancy requiring filling up; or otherwise the period of three months will be irrelevant if there is no such vacancy requiring filling up. The advantage that a workman gets is reduction in the period of probation provided he is eventually selected to fill up the permanent vacancy. Padhiar was not eventually selected. It has been mentioned above that he had failed to qualify at the written test in May 1971 and was not even called for interview that followed the test. Para 20.9 applies to a temporary workman who was in the employment of the Bank on June 1, 1965 or after June 1, 1965 but ceased to be in service before October 19, 1966. It is in the case of such an employee that on his applying to the Bank before 18-1-67 for employment that the Bank was under an obligation to employ him as a confirmed workman irrespective of his qualifications provided he satisfied two conditions, namely, that he did not fall within the definition of "temporary employee" and that he had, on the date he ceased to be in the Bank's service, already worked for a continuous period aggregating 240 working days ignoring breaks in service not exceeding 15 days at a time. Para 20.9 does not cover the case of Padhiar because (1) he was not in the Bank's service between June 1, 1965 and October 19, 1966 and, therefore, he cannot be permitted to take advantage of 20.9. His services commenced for the first time in January 1971 practically 5 or 6 years later. Para 20.10 says that a temporary workman who was, on 19-10-66, in the Bank's service will be treated as a confirmed workman irrespective of his qualifications if he satisfies two conditions, namely, that he did not fall within the definition of "temporary employee", and that he had already worked for a continuous period aggregating 240 working days ignoring breaks in service not exceeding 15 days at a time. 20.10 applies to a person who was actually in the service of the Bank on 19-10-66. Padhiar cannot take advantage of 20.10 because he joined the Bank's service in 1971. Para 20.11 says that a temporary workman who was, on 19-10-66 in the Bank's service, will, if he is not covered by Para 20.10, be taken up on probation if he satisfies three conditions, namely, that he does not fall within the definition of "temporary employee" and that, if in the clerical cadre, he is at least a matriculate or its equivalent and that he has already worked for a continuous period aggregating 120 days ignoring breaks in service not exceeding 15 days at a time. Para 20.11 does not apply to Padhiar because he was not in the Bank's service on 19-10-66. Para 20.12 says that other things being equal, temporary workmen will be given preference for filling permanent vacancies and if selected they may have to undergo probation. Padhiar could have taken advantage of Para 20.12 if he had been selected and placed on probation. He was never selected and, therefore, para 20.12 also does not help him.

16. Padhiar's further case is that, in any case, he is eligible for permanent absorption under the Bank's circular letter Ext. M-38 dated the July, 1972. He had represented in this regard to the Regional Office but the Divisional Manager had informed him by the letter Ext. W-26 dated the 7th March, 1973 that he was not entitled to be absorbed in terms of this circular. It appears that the question of absorbing temporary employees who had served the Bank or were working in the Bank for specific periods had been engaging the attention of the Bank for sometime and the Bank decided to engage some categories of employees and/or confirm them in certain circumstances. Decision No. 1 of the Bank was that "all temporary employees who are working at the branches/Head office from or after 1st January, 1970 for a period of 240 days or more, between 1st January 1970 and 30th November, 1971, with or without break in their services, irrespective of the nature of vacancies against which they had worked, notwithstanding their positions in the written test in which they might or might not have appeared, shall be treated as confirmed employees of the Bank with effect from 1st January 1972." The question is whether Padhiar's case is

covered by Decision No. 1. In considering his case, breaks in service, nature of vacancies, result of written test shall have to be ignored but what cannot be ignored is work for a period of at least 240 days and these 240 days must occur between 1-1-70 and 30-11-71. There is no dispute that he worked during the aforesaid period as follows : (1) 28-1-71 to 24-3-71, (2) 13-4-71 to 30-5-71, (3) 7-6-71 to 26-6-71 and (4) 5-10-71 to 5-11-71. The total period of service during the aforesaid specified period was only 156 days which is much less than 240 days. Decision No. 2 says that : "all temporary employees whose services were terminated but who had put in aggregate service of 240 days or more in the Bank, between 1st January 1970 and 30th November 1971, with or without break in their services, irrespective of the nature of vacancies against which they had worked, notwithstanding their positions in the written test in which they might or might not have appeared, will be offered employment in the Bank, provided they submit their applications for appointments in the Bank on or before 31st July, 1972." Decision No. 2 applies to the case of an employee who had put in at least 240 days between 1-1-70 and 30-11-70 but whose services had been terminated. In their cases also, breaks in service, nature of vacancies and result of written test will be ignored but what cannot be ignored is work for 240 days between 1-1-70 and 30-11-71 and the making of an application before 31-7-72. Padhiar had not worked for 240 days during the said period and what is more, it is not his case that he had made any application before July 31, 1972. His case, therefore, is not covered by Decision No. 2 also. Decision No. 3 says that "all temporary employees who are working or had worked for 91 days or more but less than 120 days without break in permanent vacancies or those who are working or had worked for 120 days or more but less than 240 days with or without break in permanent vacancies only, during the period between 1st January 1970 and 30th November 1971, will also be offered employment in the Bank after appropriate scrutiny of their applications by the concerned Assistant General Managers and Head Office. These applications will be received upto 31st July, 1972 by the Branches where they had previously worked. The dates of confirmation of these employees under the above clauses would be arrived at in the manner provided in clauses (a) or (b) or (c) of the circular letter. Decision No. 3 can be split up in two parts. The first part provides that there must be a service of at least 91 days, such service of 91 days must be without break, such service must be against permanent vacancy and if these conditions are fulfilled an application must be made for permanent absorption before July 31, 1972. Padhiar's services were not against permanent vacancies and he never made any application. His case is, therefore, not covered by the first part. The second part requires a service of at least 120 days between 1st January 1970 and 30th November, 1971 against permanent vacancy only and provided application was made to the Branch Manager by July 31, 1972. In considering a case under part 2 breaks in service will be disregarded but what cannot be disregarded is work for 120 days, work in a permanent vacancy, and making of an application. Padhiar had not worked in a permanent vacancy and had not made any application. His case is thus not covered by Part 2 also of Decision No. 3. His main argument is that the Bank's decisions are arbitrary but such an argument does not lie in his mouth. The Bank's regular method of appointment is qualification at a test. It is by way of concession that it wanted to give advantage of permanent service to certain old employees provided they fulfilled certain conditions. No one can dictate that more concessions should have been given. I, therefore, ignore this argument. The result is that Padhiar's contention that he is eligible for absorption under the circular is not well-founded.

17. The last contention of Padhiar is that the Bank's action has been highly discriminatory and arbitrary in absorbing others permanently, though they were similarly situated as him, and in disregarding his own case for permanent absorption. He has deposed that one Pannalal, Surendra Kumar and Digambar Prasad, clerks in the Bermo Branch, whose cases were similar to his own, were made permanent by the Bank by entering into a settlement with them during conciliation proceedings before the A.L.C., Hazaribagh. He has further deposed that R. P. Sinha, Ram Bahadur and Pashupathi Nath Singh were retained in service and subsequently confirmed, though they were similarly situated as him, while his services were terminated. He has then stated that one S. C. Chabra was transferred from the Mango Branch at Jamshedpur to the Main Branch at that very place but his post in the Mango Branch was allowed to remain vacant although the

Bank could have given him that appointment in that vacancy. His cross examination shows that his source of knowledge regarding the aforesaid discriminations is based on the information collected by him from the said employees. M. V. Sonalkar MW-2 has no knowledge about these as he was transferred from the Main Branch elsewhere. I do not think there is any substance in the point raised by Padhiar. So far as he is concerned, his case is evident on the record. He has not examined any of the said workmen to explain or give details and particulars of the facts as to how their cases are similar to the case of Padhiar. The Bank has been denied an opportunity to test the veracity of Padhiar's ipse dixit. Padhiar himself has not given the details and particulars of the information received to exhibit the manner in which his case is similar to theirs. It is possible that their cases are covered by the circular letter, or they appeared at the test and qualified etc. etc. So far as S. C. Chabra is concerned, no grouse can be made if his post in the Mango Branch was allowed to remain vacant and was not filled up.

18. My award is that the management of the Bank in terminating the services of Padhiar with effect from the 13th June, 1972 is justified and he is not entitled to any relief. Pashupathi Nath Singh has not appeared to challenge the Bank's contention and my award in respect of him is that the management of the Bank was justified in terminating his services with effect from 26th July, 1973 and he is not entitled to any relief in respect of that termination.

K. B. SRIVASTAVA, Presiding Officer.
[No. L-12012/140/73-LR.III/D.II.A.]

New Delhi, the 9th September, 1977

S.O. 3000.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on the 2nd September, 1977.

BEFORE THE CENTRAL GOVERNMENT TRIBUNAL
AT BOMBAY

Reference No. CGIT. 42 of 1975

Employers in relation to Bank of Baroda.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri L. C. Joshi, Legal Adviser.
For the Workmen.—Shri H. K. Sowani, with General Secretary of the Union.

INDUSTRY. Banking.

STATE : Maharashtra.

Bombay, the 11th July, 1977

AWARD

The Central Government has referred the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of the Bank of Baroda, Bombay in transferring Shri R. P. Desai, Cashier of the Marine Drive Branch of the said Bank to Sion Branch of the said Bank is justified ? If not, to what relief is the said workman entitled ?"

After the filing of the written statement of claim by the Union and the written statement and rejoinder by the Bank, the matter was fixed for hearing on a number of occasions, but was adjourned on one or another ground. However, the parties have now filed a joint application stating that they have settled the dispute out of Court and pray that this Hon'ble Tribunal be pleased to make 'No dispute' award, in the reference.

Under the circumstances, I make my award in terms of the above request of the above parties and answer accordingly.

J. NARAIN, Presiding Officer.
[F. No. L-12012/99/73-D.II.A.]

S.O. 3001.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on the 2nd September, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

Reference No. CGIT-44 of 1975

Employers in relation to Bank of Baroda.

AND

Their workmen.

APPEARANCES :

For the Employers.—Shri L. C. Joshi, Legal Adviser.

For the Workmen.—Shri H. K. Sowani, with General Secretary of the Union.

INDUSTRY : Banking.

STATE : Maharashtra.

Bombay, dated the 11th July, 1977

AWARD

The Central Government has referred the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of the Bank of Baroda, Bombay in transferring Shri Anil P. Shah from Churchgate Branch of the said Bank to Chanda-varkar Road Branch, Matunga, Bombay of the said Bank is justified ? If not, to what relief is the said workman entitled ?”

After the filing of written statement of claim by the Union, and the written statement and rejoinder by the Bank, the matter was fixed for hearing on a number of occasions, but was adjourned on one or another ground. However, the parties have now filed a joint application stating that they have settled the dispute out of Court and prayed that this Hon'ble Tribunal be pleased to make 'No dispute' award, in the dispute.

Under the circumstances, I make my award in terms of above request of the parties and answer the reference accordingly.

New Delhi, the 12th September, 1977

J. NARAIN, Presiding Officer.

[F. No. I-12012/101/75-D.II.A.]

New Delhi, the 12th September, 1977

S.O. 3002.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Life Insurance Corporation of India and their workmen, which was received by the Central Government on the 5th September, 1977.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT AT BOMBAY

Reference No. CGIT-17 of 1975

Employers in relation to the Life Insurance Corporation of India.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri P. T. Kini, H.G.A.

For the Workmen.—Shri C. S. Deshpande, General Secretary, All India Employed Architects Union.

INDUSTRY : Insurance.

STATE : Maharashtra.

Bombay, the 19th July, 1977

AWARD

The Central Government has referred the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of the Life Insurance Corporation of India in terminating the services of the following six architectural Assistants is justified ? If not, to what relief are the said six workmen entitled ?”

1. Miss Vinaya Rameshchandra.
2. Miss Sunanda Chitre.
3. Shri V. K. Datar.
4. Shri S. K. Tari.
5. Shri A. K. Mukherjee.
6. Shri V. N. Acharya.

After the filing of the written statements etc. by the parties, the matter was fixed for hearing on a number of occasions and was adjourned on one or another ground. However, on the date of hearing i.e. on 19-7-1977 the parties filed a settlement dated 5-7-1977 (Annexure-1) arrived at between them and prayed that this Hon'ble Tribunal be pleased to make award in terms of the settlement. I find the terms of settlement fair and reasonable and make my award accordingly. Under the circumstances no order as to the costs is being made.

J. NARAIN, Presiding Officer.

[F. No. I-17011/10/74 I.R.I/D.II A.]

S.O. 3003.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Life Insurance Corporation of India, Bombay and their workmen, which was received by the Central Government on the 5th September, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

Reference No. CGIT-20 of 1975

PARTIES :

Employers in relation to Life Insurance Corporation of India, Bombay.

AND

Their workmen.

APPEARANCES :

For the Employers.—1. Shri A. W. Dhaewadker, Advocate, 2. Shri Y. Ramachandran, Administration Officer, Life Insurance Corporation, 3. Shri P. T. Kini, H.G.A, Life Insurance Corporation.

For the Workmen.—1. Shri M. P. More, Advocate, 2. Shri A. S. Deo, Member Managing Committee, 3. Shri V. R. Deshpande, President, Bombay Division Insurance Workers Organisation, 4. Shri S. D. Kulkarni, General Secretary, Bombay Division Insurance Workers Organisation, 5. Shri M. B. Soparivala, President, Insurance Employees Association, 6. Shri V. B. Kathuria, General Secretary, Insurance Corporation Employees' Union, Bombay.

INDUSTRY : Insurance.

STATE : Maharashtra

Bombay, the 15th August, 1977

AWARD

The Central Government by a notification dated the 11th April, 1975 in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 has referred the following dispute for adjudication.

SCHEDULE

"Whether the action of the Management of the Life Insurance Corporation of India in discontinuing the City Compensatory Allowance to all the Class III and Class IV employees of Ulhasnagar Branch with effect from the 1st October, 1975 is justified ? If not to what relief are the said workmen entitled ?"

2. It seems that there has been a slight typographical error in the schedule published in the Gazette of India notification in that for the year 1974 what has been typed is 1975. All the parties are agreed that it is a typographical mistake and as such I would take it that the relevant date is the 1st of October, 1974.

3. The Life Insurance Corporation of India (hereinafter referred to as the Corporation) is a statutory financial institution set up under the Life Insurance Corporation Act, 1956. Under section 49 the Corporation may with the previous approval of the Central Government by notification in the Gazette of India make regulations not inconsistent with the Act and the rules made thereunder. Sub-section 2(b) says that such a regulation may provide for the method of recruitment of employees and agents of the Corporation and the terms and conditions of service of such employees or agents. In consequence (Staff) Regulations 1960 came to be framed. It applies to every whole-time (salaried) employee of the Corporation (in India) "unless otherwise provided by the terms of any contract, agreement or letter of appointment. The Regulation provides for City Compensatory Allowance of Rs. 10 per month for 16 cities" one of which is Bombay. In 1972 names of six more cities were added (vide Exhibit E-2) by an amendment to the regulation (vide Exhibit E-3). The amount of Rs. 10 was raised to Rs. 20 by an amendment of the Regulation. The increase was published in the Gazette of India dated 4-5-1974. A settlement as also arrived at between the Life Insurance Corporation of India and the different Associations representing its workmen on 24-1-1974 and this settlement was to be effective from the 1st April, 1973 for a period of 4 years. Regarding City Compensatory Allowance the following settlement was arrived at. "City Compensatory Allowance shall be paid at the rate of Rs. 20 per month in the case of Class III and Class IV employees at the centres at which his allowance is now being paid to such employees. If and when the Central Government extends the benefit of City Compensatory Allowance to other centres, the Corporation shall extend this benefit to the employees in such centres also." (vide Exhibit U-3).

4. A settlement was arrived at before the National Industrial Tribunal between the Corporation and the different Associations and Federations representing the workers of the Corporation and the memorandum of settlement is dated the 20th June 1970 (vide Exhibit U-2). The representatives of the Associations which were parties to the settlement before the National Industrial Tribunal had some discussions with the Corporation authorities and accordingly a circular was issued on 29-1-1971 to all officers of the Corporation (vide Exhibit E-1). It set out the limits of different metropolitan cities where City Compensatory Allowance was payable those days. Bombay was shown as comprising of the areas within the limits of the Bombay Municipal Corporation, Dombivli, Kalyan and Thana Municipalities. This circular was issued over the signature of Executive Director to all offices of the Corporation.

5. Above gives a short history indicating how compensatory allowance came to be increased from time to time and how the area of Bombay was delineated. With the above background I shall now set out the facts of the case and rival contentions of the parties. There was a Branch Office of the Corporation at Kalyan. It was bifurcated on the 26th July, 1973 and there came into being what is known as Ulhasnagar branch with a strength of 15 for class III and class IV employees. The staff of this branch was manned by transfer of 7 employees from Kalyan branch, 5 employees from Bombay Divisional Office and 1 employee from Pen Branch. Two class IV employees were newly recruited. All these employees were being paid City Compensatory Allowance right from the date the Ulhasnagar branch came into existence. It was, however, stopped with effect from the 15th October, 1974.

6. The case of the employees of Ulhasnagar branch has been sponsored by two employees Associations, namely In-

surance Employees Association and Insurance Corporation Employees Union.

7. Their case is that Thana, Dombivli, Kalyan, Ambarnath, Ulhasnagar etc. from one compact area linked to Bombay City proper by suburban trains. This is said to have been recognised by the Corporation itself as will appear from their Bombay Divisional Office, Development Department Memo dated 17-2-1972. It runs as follows :—

"We have to inform you that the population of Kalyan Municipality is 99,547 according to the 1971 census. We have further to advise you that Kalyan forms part and parcel of Ulhasnagar urban agglomeration having a total population of 3,96,384 and for the purpose of determining the minimum business guarantee applicable to agents operations in any of the component towns of Ulhasnagar urban agglomeration, the population of Ulhasnagar Urban agglomeration is to be taken into account. Further the Ulhasnagar notified area has a population of 1,68,462 while the Ulhasnagar Urban agglomeration has a population of 3,96,384 (this figure includes the population of Ulhasnagar notified area.)"

The Association says that the above shows that the Corporation have recognised in reality that Kalyan is a part and parcel of Ulhasnagar urban agglomeration which has a population of 3,96,384. The Corporation implemented clause 5 of the settlement dated 24-1-1974 relating to Compensatory City Allowance and paid arrears of the difference between the then prevailing rate and the revised rate of Rs. 20 per month with effect from 26-7-1973, the rate when Ulhasnagar branch came into existence to all employees at Ulhasnagar branch. The Corporation continued to do so upto 15-10-1974. Stoppage of the same with effect from 15-10-74 is said to be unjustified, arbitrary and illegal for the following reasons :—

- (a) It is a breach of the settlement dated 24-1-1974 which is still in force.
- (b) It is in contravention of section 9A of the Industrial Disputes Act, 1947, read along with item 1 of the 4th schedule, in as much as the Corporation has failed to give any due notice of change before discontinuing the allowance.
- (c) Employees of Ulhasnagar branch have come to regard City Compensatory Allowance as a part of their service condition.
- (d) The Corporation's contention that payment of City Compensatory Allowance to employees of Ulhasnagar branch was through a regrettable error is an incredible after-thought.
- (e) Ulhasnagar and Kalyan form one compact area in the metropolitan city of Bombay.

8. The Life Insurance Corporation of India filed its written statement and has taken the position that the terms and conditions of employees of the Corporation can be regulated only by Regulations made under section 49 of the Life Insurance Corporation Act. Such a regulation has been framed which is Life Insurance Corporation of India (Staff) Regulation 1960. Since Ulhasnagar is not one of the centres figuring in the list of centres where City Compensatory Allowance was available or extended, claim made on behalf of the Ulhasnagar employees is strongly resisted. It is admitted that City Compensatory Allowance was paid to the employees at Ulhasnagar branch but the contention is that as soon as this irregular and erroneous payment came to the notice of the competent authority, the branch office was directed to discontinue this payment with effect from 1-10-74. Any unauthorised payment made cannot vest any right in the employees. Payment of City Compensatory Allowance at Ulhasnagar having been made erroneously, it cannot transform itself into a condition of service and therefore there is no question of contravention of section 9A of the Industrial Disputes Act. Question of population at Ulhasnagar and Kalyan is said to be irrelevant since the Corporation by its circular dated 29-1-1971 specified the 16 centres including Kalyan at which City Compensatory Allowance would be payable and defined the limit of Bombay Municipality as including only Kalyan. Jurisdiction of this Tribunal to entertain a claim for payment of City Compensatory Allowance is also challenged.

9. Enclosure to the forwarding letter Exhibit U-1 is the transfer order of one of the employees namely, Shri G. P. Ahuja from Kalyan branch to Ulhasnagar branch and the Bank's order is dated 18-7-1973 and is signed by Senior Divisional Manager. Exhibit U-4 dated 20-3-74 is the confirmation order over the signature of Senior Divisional Manager. It says that the Peon Shri R. P. Dabak is being confirmed and his salary will consist of besides other allowances City Compensatory Allowance of Rs. 20 per month.

10. It has been strenuously argued for the Corporation that since Ulhasnagar is not named as one of the cities in the Staff Regulation or in the subsequent amendments thereof nor in any of the Settlements arrived at between the parties, claim of City Compensatory Allowance for Ulhasnagar is untenable. Further contention is that the regulation framed under section 49 of the Life Insurance Corporation has statutory force and unless an amendment as contemplated by section 49 is made no office order can have any effect in law. From this point of view it has been urged that mention of City Compensatory Allowance in the confirmation order, Exhibit U-4 can have no force in law. It is also contended that even if the order was issued over the signature of the Senior Divisional Manager, since it was not in pursuance of the staff regulation 1960 or amendment thereof it has no force in law and cannot confer any right on the employees. The point, however, to be noticed is that clause 2 of the Staff Regulation itself speaks of the validity of an agreement. I have already referred to the agreement, Exhibit U-3 that was arrived at on 24-1-1974 between the Corporation on the one hand and the 4 employees' Associations on the other. This agreement is contemplated by the Staff Regulations 1960 and it must have full effect in law. Clause 5 of this agreement speaks of payment of City Compensatory Allowance at the centres at which the allowance was then being paid. At that time City Compensatory Allowance was being paid at Kalyan branch. Payment of Kalyan branch was being done as a result of discussion between the representatives of the Associations of Workers and the Corporation in connection with the settlement dated 20-6-1970 filed before the National Industrial Tribunal. As a result of this discussion certain agreements were arrived at and one of these was that Bombay will comprise the areas within the limits of Bombay Municipal Corporation (Greater Bombay), Dombivli, Kalyan and Thana Municipalities (vide Exhibit E-1). Next it is for consideration whether Ulhasnagar which came to be bifurcated from Kalyan later will be deemed to have been covered by this agreement or not. In this connection there is the document of the Corporation itself namely, their Divisional Office Development Department memo dated 17-2-1972, which has already been reproduced above. This shows that even according to the Corporation, Kalyan is a part and parcel of Ulhasnagar and therefore when the Settlement dated 29-1-1971 (vide Exhibit F-1) speaks of Kalyan it must be held that it includes also Ulhasnagar which came later to be bifurcated from it.

11. The matter can be looked at from another point of view. When the settlement, Exhibit U-3 was signed on the 24-1-1974 it was clearly stated that the City Compensatory Allowance will be payable at the centres at which it was then being paid. It will be noticed that the "centre" has been used instead of the word "city" which occurs in the earlier settlement. So when the settlement, Exhibit U-3 was entered into the City Compensatory Allowance was being paid at the centre of Ulhasnagar and therefore under the settlement it will continue to be paid there and to such a settlement the Corporation was a party and hence bound by it. For the Corporation my attention was drawn to clause 12(2) of the settlement. It says that the terms in this settlement shall be subject to the approval of the Board of the Corporation and Central Government. It is not clear what is meant by referring to this clause. Anyway, it is not the contention of the Corporation that the settlement has not received the approval of the Board of the Corporation and the Central Government. Therefore, there is nothing to detract the settlement, Exhibit U-3 from having its full effect in law.

12. While stating the facts of the case I have stated how the staff at Ulhasnagar was paid City Compensatory Allowance. The staff consisted of transfer of 7 employees from the Kalyan branch, 5 employees from the Bombay Divisional Office and one employee from the Pen branch. Two class

IV employees were recruited. All these persons were paid City Compensatory Allowance from the 26th July, 1973 till the 15th October, 1974, as stated in the written statement of the Insurance Employees Association. In the confirmation letter that was issued to the Peon, Shri R. P. Dabak clear mention was made of his entitlement to City Compensatory Allowance of Rs. 20 per month. Thus City Compensatory Allowance was a condition of service and if the Corporation proposed to stop it, it was incumbent on them to issue a notice in terms of section 9A of the Industrial Disputes Act.

13. Although it was urged that Compensatory Allowance has been paid to the employees at Ulhasnagar branch by mistake, this has remained a mere submission. Nothing has been disclosed to show the person or persons who were responsible for this mistake and what step, if any, was taken against the concerned Officer. Therefore, it is difficult for me to uphold this submission.

14. Again, nothing has been pointed to show as to how jurisdiction of this tribunal to entertain the claim is barred nor do I find any.

15. No substance having been found in any of the contentions raised and the claim of the workers being founded on the settlement, which is quite legal, it must be stated that action of the management in discontinuing the City Compensatory allowance to all the Class III and Class IV employees of Ulhasnagar Branch with effect from the 1st October, 1975 is not justified and they are entitled to the City Compensatory Allowance from 15-10-1974 at the rate of Rs. 20 per month.

J. NARAIN, Presiding Officer

[F. No. I-17029/I/75-D.I.I.A.]

New Delhi, the 14th September, 1977

S.O. 3004.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Life Insurance Corporation of India and their workmen, which was received by the Central Government on the 8th September, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

Reference No. CGIT-21 of 1975

Employers in relation to the Life Insurance Corporation of India.

AND

Their Workmen.

APPEARANCES :

For the employers—Shri P. T. Kini, H. G. A.

For the workmen—Shri C. S. Deshpande, General Secretary, All India Employed Architects Union.

INDUSTRY : Insurance.

STATE : Maharashtra.

Bombay, dated the 19th July, 1977

AWARD

The Central Government has referred the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of the Life Insurance Corporation of India in terminating the services of Shri G. S. Deshpande, Architect Assistant with effect from the 31st July, 1974, is justified? If not, to what relief is he entitled?"

After the filing of the written statements, etc., by the parties the matter was fixed for hearing on a number of occasions and was adjourned on one or another ground. However, on the date of hearing i.e. on 19-7-1977, the parties filed a settlement dated 5-7-1977 (Annexure-I) arrived at between them and

ved that this Hon'ble Tribunal be pleased to make award in
ns of the settlement. I find the terms of the settlement ar-
ed at by the parties fair and reasonable and I make my
award accordingly. Under the circumstances no order as to
is is being made.

J. NARAIN, Presiding Officer
[F. No L-17011/11/74-LR.I/D.H.A.]
JAGDISH PRASAD, Under Secy,

मंगलक गुरुओं को उत्तरण के लिये सीमाशत्क शिमान पत्तन के रूप में नियत करती है।

[मं. 202/फ. मं. 481/52/77-सी.श. 71]

एन. करणामृती, अथर गान्धीव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 24th September, 1977

CUSTOMS

S.O. 3005.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Government hereby appoints Bangalore airport as customs airport for the unloading of watches and component parts of watches.

[Notification No. 202/F, No. 481/52/77-Cus.VII]

N. KRISHNAMURTHY, Under Secy.

विस मंशालय
(राजस्व विभाग)
नश्त दिल्ली, 24 सितंबर, 1977
सीमा-शालक
का. आ. 3005.—सीमा-शालक अधिकार्यम, 1962 (1962 का 52)
गीधार 7 के खंड (क) द्वारा प्रदत्त शाकिल्यर्यों का प्रयांग करना है। ये
न्द्रिय सरकार बंगलादेश में अंगूष्ठायाँ आंगूष्ठायाँ के



